

ADDITIONAL INFORMATION

MARCH 4, 2009

ITEM #12

Memorandum

To: Members of the Town Council
From:  Michael Scannell, Town Manager
Date: February 27, 2009
Re: Budget Status report

In my last formal report to your Council (November 12, 2008), I reported that our shortfall at June 30, 2009 would approximate five hundred fifteen thousand dollars (\$515,000). Based upon a series of recommendations that I advanced to you and which you subsequently adopted, I opined that the effect of having taken such actions would essentially bring our budget into balance at June 30, 2009. My opinion was based on the performance of the local and statewide economies as I understood them at the time of my report.

The purpose of this report is to provide you with an update on the most recent performance of our fiscal year 2008-09 adopted budget.

I believe that the corrective actions you took in November have had the desired effect and that, for the most part, we are tracking along the trend line that I had reported to you at that time.

The operative phrase in the preceding paragraph is for the most part. Forecasts, by their very nature are prospective and are generally constructed essentially on the economic performance we experienced in the recent past. Our forecast in my November report to you for local sales tax accruals at June 30, 2009 forecasted a two hundred fifty-five thousand dollar (\$255,000) shortfall. Based on a slightly better than expected performance of our local economy, and more specifically, the improved performance of the construction sector of our local economy, I now believe that the shortfall in our local sales tax revenue accounts will now approximate one hundred fifty-five thousand dollars (\$155,000) rather than the two hundred fifty-five thousand dollar (\$255,000) figure previously reported. Our forecast for statewide sales tax revenues appears to be tracking on the trend line that I previously reported.

While our sales tax performance is in a better position than we had forecasted, that is not the case with our Highway User Revenue Fund (HURF). Our forecast originally anticipated that we would fall short of our budgeted revenues by eighty thousand dollars (\$80,000). Based on our most recent revenue accruals, we now believe that our shortfall will more likely approximate one hundred twenty thousand dollars (\$120,000). I have instructed Ron Long, Public Works Director, to make the appropriate adjustments in his work program in order to bring his HURF expenditures in line with what now believe will be our available HURF revenues at June 30, 2009.

With respect to our interest earnings, as you may have observed, the interest rate environment has changed markedly in recent months. The interest earnings we have accrued to date are markedly less than we had forecasted in November. As such, our forecast for June 30, 2009 now shows that our interest earnings will fall one hundred twenty thousand dollars (\$120,000) short of the revenues budgeted for this account. That translates to a shortfall forty thousand dollars (\$40,000) greater than we had previously reported.

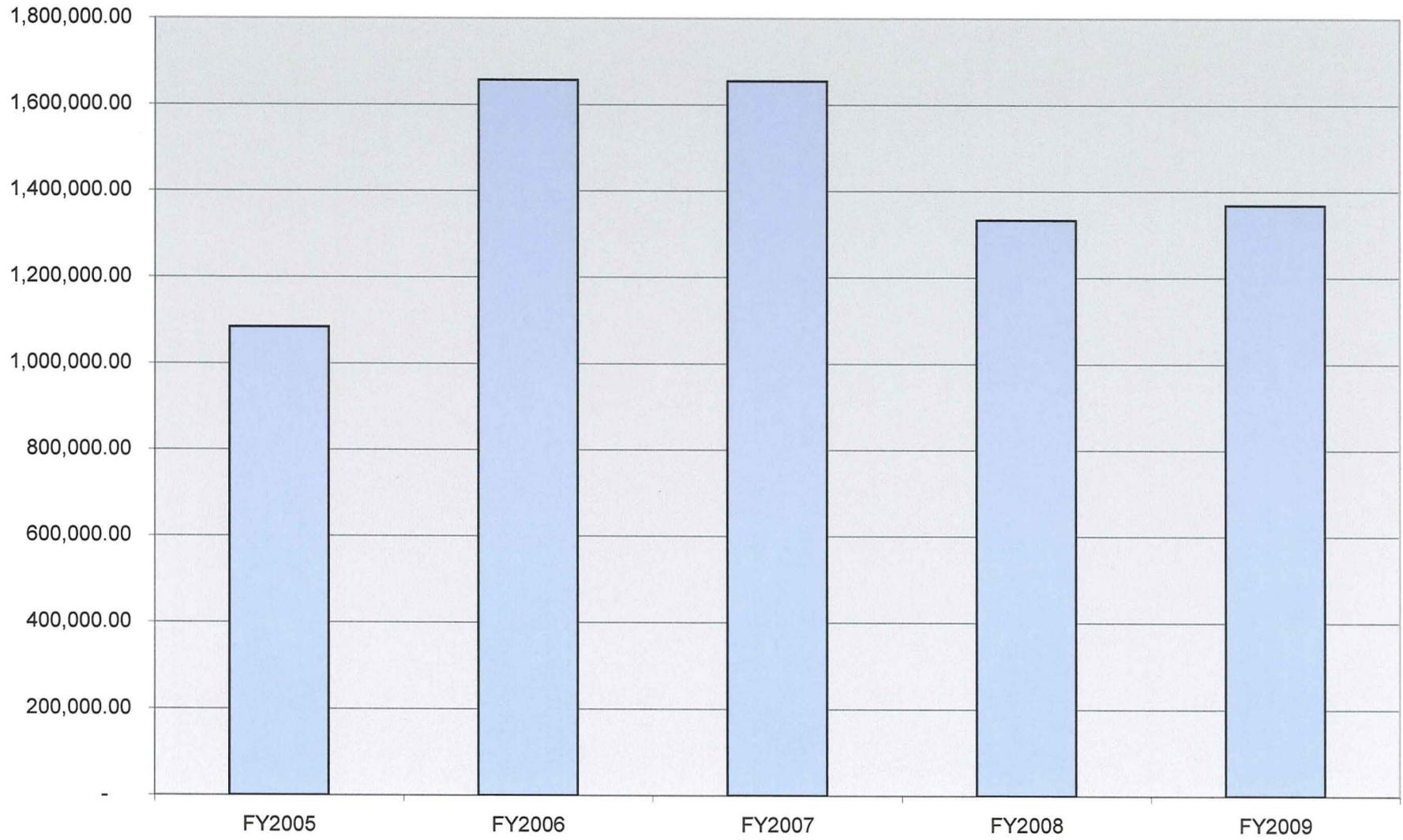
With respect to legal expenses, our utilization of legal services is markedly greater than we had forecasted in November. Such is the case largely because of the California Hot Wood litigation and the need to complete those labor intensive tasks that must be completed prior to the upcoming trial. In November, I requested, and you approved, a supplemental appropriation in the amount of forty thousand dollars (\$40,000). Based on an analysis of expenditures to date, if we assumed that the burn rate for utilization of legal services continues at its current pace, it is my opinion that we will likely require an additional supplemental appropriation in the amount of forty thousand dollars (\$40,000) in order to balance this account at June 30, 2009. The amount of the appropriation may be offset to a small degree as a result of a reimbursement from the Southwest Risk Pool for the legal expenses we have incurred. The level of reimbursement in the instant case is not a material amount. As such, I am not recommending that the supplemental appropriation referenced above be adjusted at this time.

In summary, excluding the HURF which was addressed separately, we believe that when viewed globally, our General Fund expenditure and revenue accounts as referenced above are performing at a level within twenty thousand dollars (\$20,000) of the adjusted appropriations adopted by your Council in November. No adjustments are necessary at this juncture. We will continue to monitor our revenue and expenditure accounts and will present to you a revised report on April 1, 2009. If adjustments to our appropriated revenues and/or expenditures are required in the coming months, we can take the appropriate actions at that time. The revenue and expenditure accounts which make up the balance of our General Fund are all performing within acceptable limits. No action with respect to those accounts is required at this time.

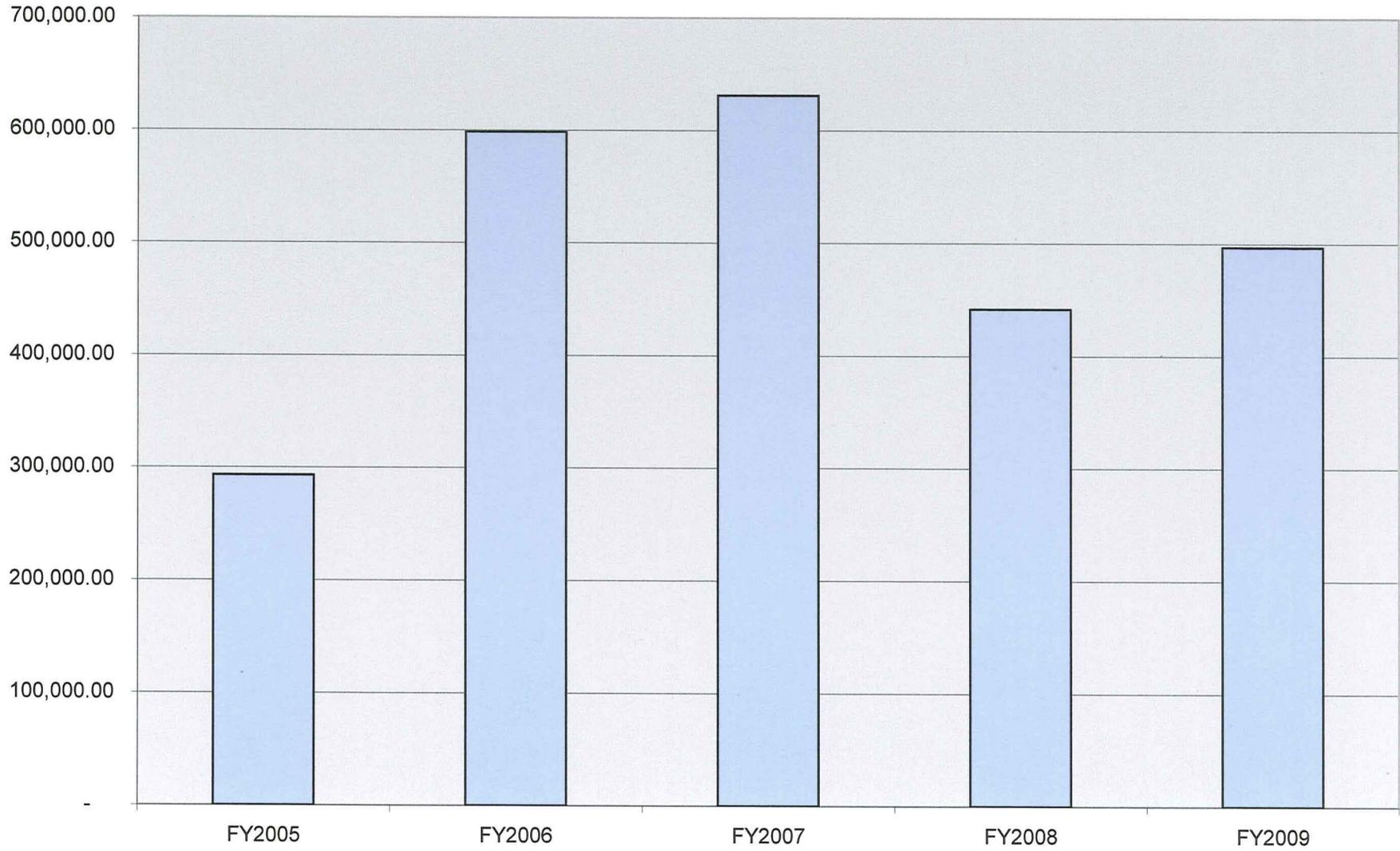
I will be pleased to respond to any questions that you may have relative to the points discussed in this report.

Your next budget status report will be placed before you at your April 1, 2009 Council meeting.

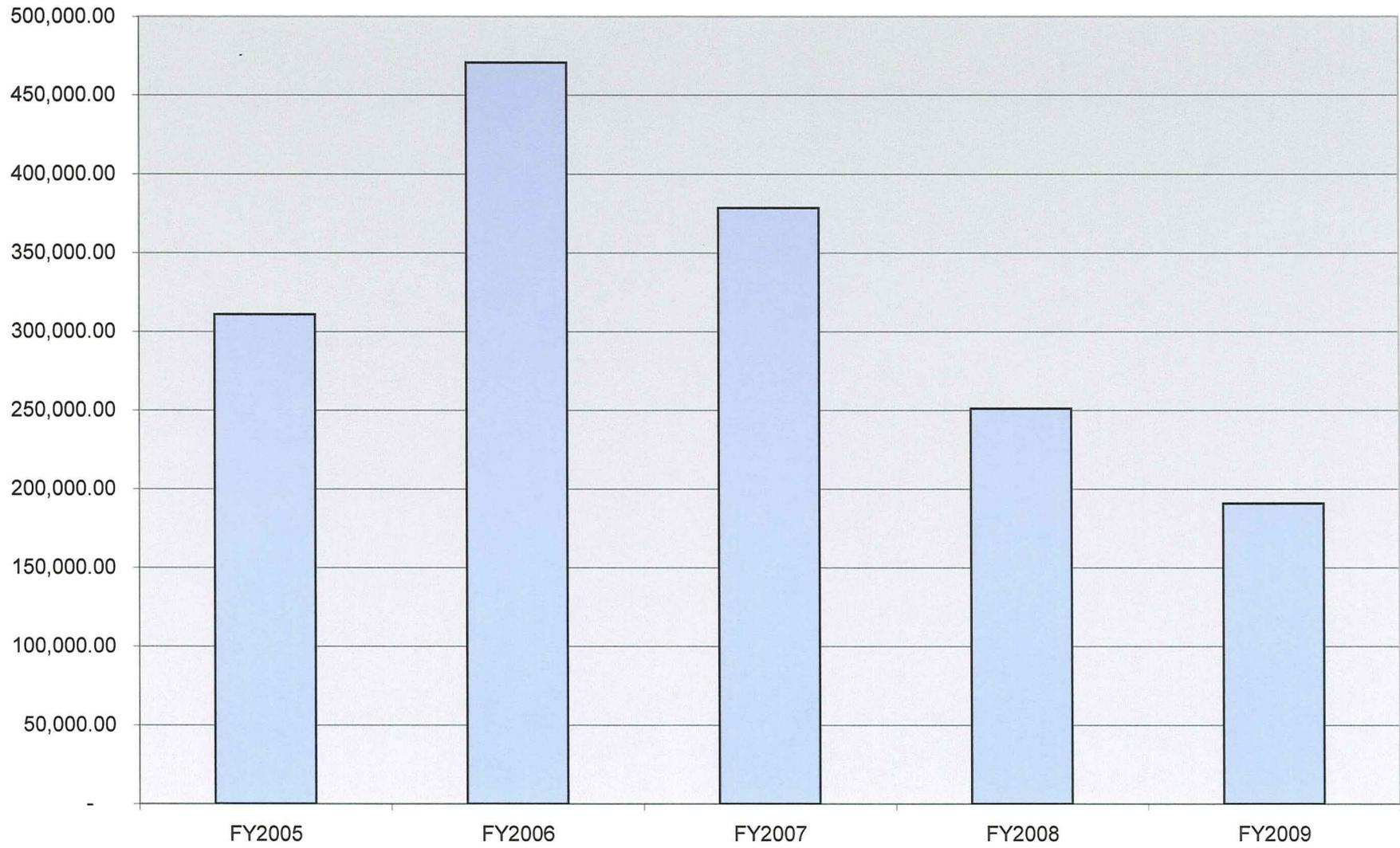
July - January Sales Tax Collection Comparison



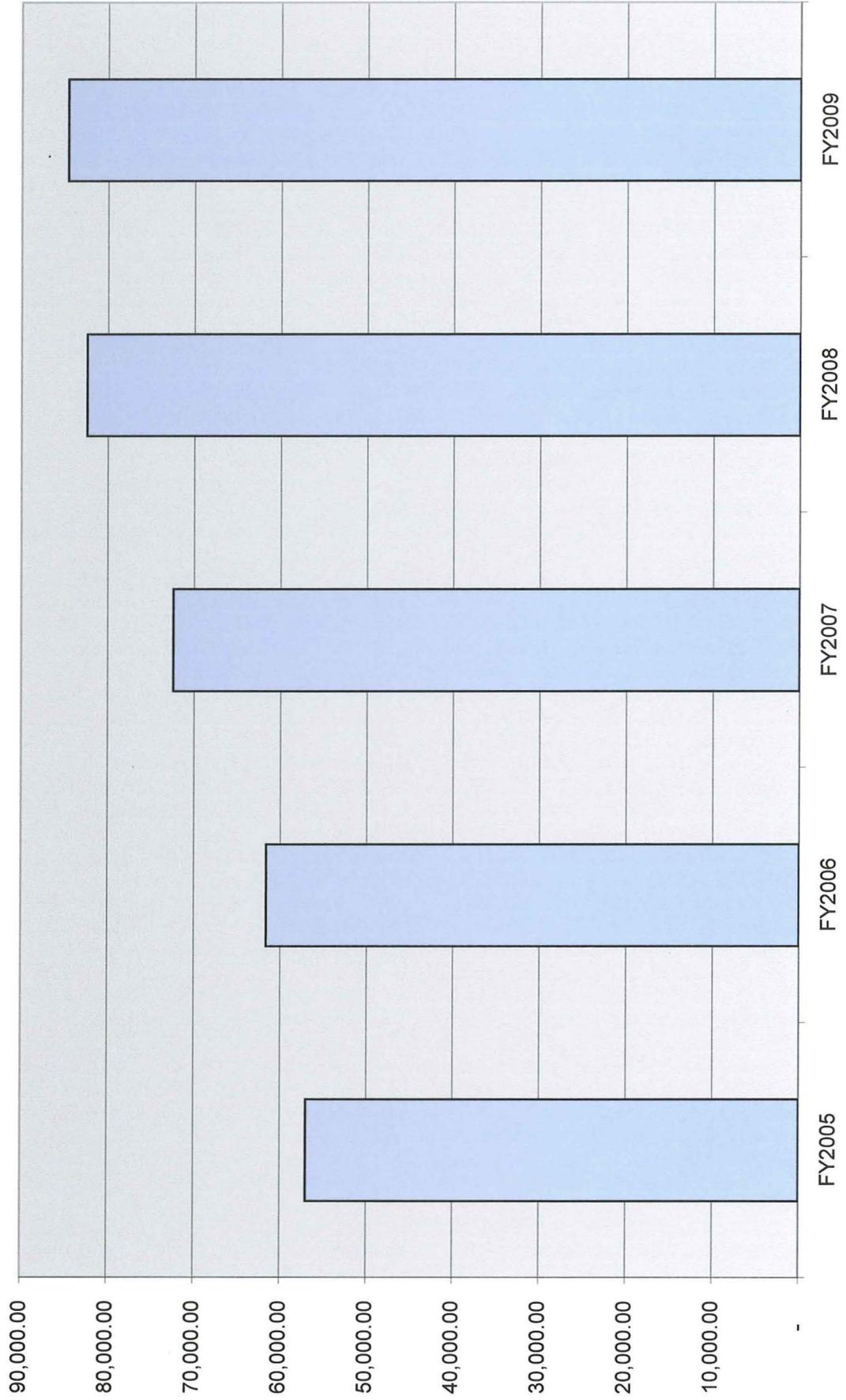
July-Jan Retail Trade Comparison



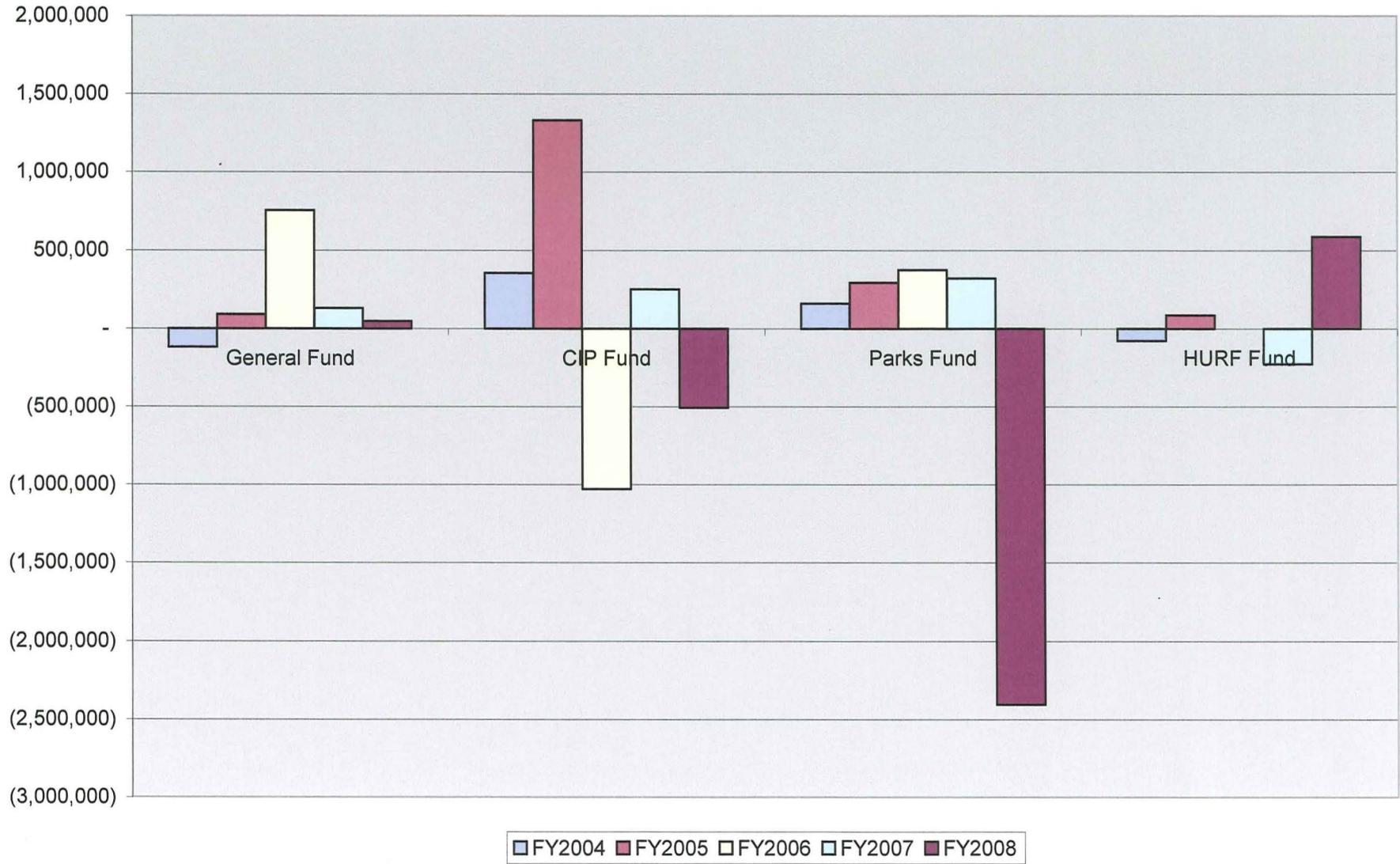
July-Jan Construction Tax Comparison



July-Jan Accomodation Tax Comparison



Fund Balance Comparison



AGENDA



**REGULAR SESSION
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
473 S. Main Street, Room #106
WEDNESDAY, MARCH 4, 2009
at 6:30 P.M.**

If you are carrying a cell phone, pager, computer, two-way radio, or other sound device, we ask that you turn it off when you enter Council Chambers. Remove your hats for the Pledge of Allegiance. All Presentations are limited to 10 minutes.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Consent Agenda** – All those items listed below may be enacted upon by one motion and approved as consent agenda items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Council requests.
 - a) **Approval of the Minutes:**
 - 1) Retreat – February 25, 2009
 - 2) Regular Session – February 18, 2009
 - b) **Set Next Meeting, Date and Time:**
 - 1) March 18, 2009 at 6:30 p.m. – Regular Session
 - 2) March 25, 2009 at 6:30 p.m. – Council Hears Planning & Zoning
 - 3) April 1, 2009 at 6:30 p.m. – Regular Session
 - 4) April 15, 2009 at 6:30 p.m. – Regular Session
 - 5) April 22, 2009 at 6:30 p.m. – Council Hears Planning & Zoning
 - c) **Possible authorization to pay the Town's portion of the legal expenses related to the League of Cities and Towns v. Martin/Napolitano in challenging the constitutionality in Section 47 of HB2209 that required cities and towns to deposit \$29.7 million into the State General Fund. The Town's portion is \$576.00. The Supreme Court ruled in favor of the League's position; however, legal fees were not awarded.** This is a non-budgeted item in legal services. (Staff Resource: Michael Scannell)
 - d) **Possible authorization to transfer funds in the amount of \$3,605.00 from Special Events Supplies to Wine Reimbursement.** This is a budgeted item. (Staff Resource: Lynda Moore)
 - e) **Possible approval of Resolution 2009-761, a resolution of the Mayor and Council of the Town of Camp Verde, Yavapai County, Arizona, establishing hours of operation and setting the 2009 Holiday Schedule.** (Staff Resource: Debbie Barber)
 - f) **Possible authorization to pay \$5,806.10 for loss adjustment expenses to Southwest Risk/Arizona Municipal Risk Retention Pool for Alton v. Town of Camp Verde.** (Staff Resource: Michael Scannell)
 - g) **Possible acceptance of Gene McIntyre's resignation from the Board of Adjustment and possible presentation of a Certificate of Appreciation for his volunteer service.** (Staff Resource: Debbie Barber)
 - h) **Discussion, consideration, and possible approval of the Proclamation declaring February 14 – 21, 2009 as "Arizona Adult Literacy Week".** (Councilor Garrison requested this item.)
 - i) **Possible approval of budget appropriation corrections for the Fiscal Year 2008-2009 budget. The total amount of increased appropriations is \$3,030.** (Staff Resource: Lisa Elliott)
 - j) **Possible appointment to the following commissions: Parks & Recreation Commission – term expires in September 2010. There is one application from Karen Thomas and possible appointment to the Trails & Pathways Commission – term expires in September 2011. There is one application from Ed Mezulis.** (Staff Resource: Debbie Barber)
 - k) **Possible approval of an agreement between Donald E. Zelechowski, a Certified Public Accountant, and the Town of Camp Verde for a tax payer education program designed to increase compliance with our tax program, as well as, for sales tax audit services that would verify 'privilege' tax (Privilege Sales Tax) reporting and payments to the degree that said audits are required.** (Staff Resource: Michael K. Scannell).
5. **Call to the Public for Items not on the Agenda.**
6. **Council Informational Reports** Individual members of the Council may provide brief summaries of current events and activities. These summaries are strictly for informing the public of such events and activities. The Council will have no discussion, consideration, or take action on any such item, except that an individual Council member may request that the item be placed on a future agenda.

Councilor Garrison and Mayor Gioia requested item #7:

7. **Yavapai Apache Nation will present and Council will accept a check in the amount of \$56,058 to the Town as a contribution from the Cliff Castle Gaming Facility, pursuant to Section 12(d)(1) of the Tribal-State Gaming Compact.**

Mayor Gioia requested items #8 and 9:

8. **Discussion, consideration, and possible vote to reconsider the reaffirmation made on January 13, 2009 and/or the approval made on December 17, 2008 of Ordinance 2008-A354A (amending Ordinance 2008-A354 approved on October 22, 2008, but not processed based on attorney advice) an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Section 118 of the Zoning Ordinance to define A-frame signs, add exceptions for projecting signs and A-Frame signs into the right-of-way for businesses and Main Street under Prohibited Signs, and define the criteria under which projecting signs may be used under Business/Commercial/Industrial signs.**
9. **Discussion, consideration, and possible direction to staff relative to Ordinance 2008-A354A (amending Ordinance 2008-A354 approved on October 22, 2008, but not processed based on attorney advice) an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Section 118 of the Zoning Ordinance to define A-frame signs, ADD EXCEPTIONS FOR PROJECTING SIGNS AND A-FRAME SIGNS into the right-of-way for businesses and Main Street under Prohibited Signs, and define the criteria under which projecting signs may be used under Business/Commercial/Industrial signs.**
10. **Discussion, consideration, and possible authorization to fill the position of Parks Administrative Assistant. (Staff Resource: Lynda Moore)**
11. **Presentation and possible reconsideration of Council's decision to have Town Staff enforce the Town's regulations concerning the youth livestock project activity for 2009 based on new information submitted by the FFA advisors, allowing the FFA advisors to proceed with the enforcement regulations for 2009. (Staff Resource: Nancy Buckel)**
12. **Presentation of the financial status of the Town followed by discussion, consideration, and possible direction to staff regarding actions to take to ensure that expenditures are kept within the revenues collected for the remainder of the 2008-2009 fiscal year. (Staff Resource: Lisa Elliott)**
13. **Discussion, consideration, and possible direction to staff relative to setting a policy for legal expenses as they relate to unauthorized citizen and media contact with the Town Attorney. (Staff Resource: Michael Scannell)**

Councilor Smith requested item #14:

14. **Discussion, consideration, and possible direction to staff relative to a) holding in abeyance any actions relative to enforcing the transaction privilege tax on residential rental properties in the Town of Camp Verde and b) to prepare an analysis for the Council's review and to deliver said analysis on or before March 18, 2009 of those options that exist with respect to developing new sources of revenue to offset the loss of revenue that may flow from the rescission of the transaction privilege taxes currently levied on residential rental properties in the Town of Camp Verde.**
15. **Discussion, consideration, and possible direction to staff to prepare an ordinance adopting Robert's Rules of Order, as modified that best fits the Town's needs for Council consideration at the earliest possible date. (Staff Resource: Michael Scannell)**
16. **Call to the Public for Items not on the Agenda.**

There will be no Public Input on the following items:

17. **Advanced Approvals of Town Expenditures**
 - a) **There are no advanced approvals.**
18. **Manager/Staff Report** Individual members of the Staff may provide brief summaries of current events and activities. These summaries are strictly for informing the Council and public of such events and activities. The Council will have no discussion, consideration, or take action on any such item, except that an individual Council member may request that the item be placed on a future agenda.
19. **Adjournment**

Posted by:

D. Jones

Date/Time:

2-27-09

9:00 a.m

Note: Pursuant to A.R.S. §38-431.03 A.2 and A.3, the Council may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item.

The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.

**MINUTES
RETREAT
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
CVMO TRAINING ROOM
WEDNESDAY, FEBRUARY 25, 2009
2:15 P.M.**

Minutes are a summary of the discussion. They are not verbatim

1. Call to Order

Mayor Gioia called the meeting to order at 6:30 p.m., quoting the agenda topic "Working together for the future". He explained the defined objectives that included community visions, challenges, and needs and the development of strategic objectives and short and long-term actions.

2. Roll Call

Mayor Gioia, Vice Mayor Hauser, Councilors Garrison, Kovacovich, and Smith

Candidates Present:

Mayoral Candidate Bob Burnside and Council Candidates Jackie Baker, Robin Whatley, Carol German, and Pete Roulette.

Staff Present:

Town Manager Michael Scannell, Public Works Director Ron Long, Marshal David Smith, Judge Overholser, Parks Director Lynda Moore, Sr. Accountant Lisa Elliott, Housing Director/Special Projects Coordinator Matt Morris, Community Development Director Nancy Buckel, Town Clerk Debbie Barber, and Clerk Assistant Sharon McCormick

3. Pledge of Allegiance

Mayor Gioia let the pledge.

4. Discussion, consideration, and possible direction to staff relative to the following:

- **Policy guidance relative to strategic objectives that Council wishes to pursue in the FY 2009/10 Budget; and**
- **Guidance to staff relative to Special Funding requests.**

Manager Scannell explained that Council adopted the budget calendar at their last meeting that lays out the critical dates for specific actions as they relate to the FY 09-10 budget process. He advised that the newly seated Council would be approving this budget and he wanted to ensure the candidates participation. He also wanted to ensure that Council members had ample opportunity to make their requests known so that they could be appropriated into the budget as much as was practicable. Scannell advised that the finances were on track as projected for this year, noting that the upcoming year would be challenging with the anticipated reduction in local sales tax, state shared revenues, and HURF funding.

Scannell then asked each department head to introduce themselves and explain their departmental functions and needs.

Gioia asked Council for their input.

Candidate Whatley expressed her concerns that the meetings would take place while she was working. It was generally agreed that 5:00 would be the start time.

Vice Mayor Hauser advised that she would like to keep funding available for WAC, the pool, the Teen Center, and the summer program.

In response to Councilor Smith's questions, Senior Accountant Lisa Elliott explained that 4 months of M&O costs (expenses other than personnel) and 3 months of HURF monies were required for the "Rainy Day Fund". She noted that this was approximately \$2.1 million dollars.

Elliott then provided information relative to the Finance Department, explaining that there was one part-time employee and the Town Manager as Acting Finance Director. She described the urgent need for updated accounting software, noting that the current software is so outdated that many of the windows are DOS. She advised that this is budgeted in the CIP and that they would be coming to Council to proceed with the project as soon as the networking project is complete.

Scannell explained that the software would address many departmental needs including the Finance Department, Community Development, Human Resources, and Business Licensing.

Marshal Smith described his department, along with his plans to pursue grant funding for the officers that the Town has not been able to replace. He explained that the funding would cover 100% of the salaries and benefits for a 3-year period and that after that time, the Town must agree to assume the costs. He also advised that this was a competitive process. He spoke to the concern that the Town continues to hire officers and invest time and money in training and certification only to have them leave for other communities that offer higher salaries. Discussion ensued about the legalities of requiring repayment from the new hires. It was determined that it was not feasible to have this requirement because it would not stand up in court and the legal fees would far exceed what the candidate owed.

Public Works Director Ron Long described his department, noting that their greatest need is staff to focus on storm water management and funding to maintain the existing streets. There was a great deal of discussion about the unfunded federally mandated storm water management program. Long explained that this mandate applied to the Town of Camp Verde because of the Verde River. He explained that water runoff from streets and construction projects have a definite impact on the Verde River, and it was a critical issue to the Town. He expressed concerns that if the Town did not work on this, that ADEQ would eventually 'hammer' us for noncompliance. Long then described some of the projects that are underway including flood and drainage improvements at Cliffs Parkway and the ADOT sidewalk project.

Public Input

Bob Johnson said that he was concerned about mosquitoes and standing water. Long advised that both the County and the Town took this very seriously and steps were being taken to monitor and eradicate mosquito larvae.

Community Development Director Nancy Buckle described her department and advised that her greatest need at this point is having a full time Code Enforcement Officer. She explained that one person fills the positions and that Code Enforcement is suffering because building inspections take so much time. She advised that she works closely with Ron Long and developers and that they have been successful in getting acceleration and deceleration lanes in commercial development. She also expressed concerns that her website contained inaccurate information and that her job description is too detailed with many unrealistic demands placed upon her position.

Judge Overholser described the functions of the Municipal Court. He explained that revenues are down because DPS relocated their trucking enforcement unit from Camp Verde to Cordes Junction and the downturn in the economy. He explained that more and more people are doing community service in lieu of paying fines. He described the efforts taken with regard to the collection of past due fines and the litigation in progress relative to the requirement that indigent criminals repay the court-appointed attorney fees. He advised that community service workers are sent to Parks & Recreation, the Animal Shelter, Ft. Verde, and the Library.

Parks & Recreation Director Lynda Moore described her department, noting the events, programs, facilities, maintenance, and janitorial. She explained that she had one vacant position due to the hiring freeze and planned to request permission to hire an Admin Assistant at the next Council meeting. She advised that her biggest challenges are the pool that needed resurfacing and the old buildings that are expensive to maintain.

Mayor Gioia recessed the meeting at 8:15 p.m. and reconvened at 8:27 p.m.

Town Clerk Debbie Barber described the functions of the Clerk's Office, noting that their most pressing need is a mechanism to protect and manage the Town's records. She advised that Records Management software has been in the CIP budget for a number of years, but that it kept being passed over due to other departmental needs.

Housing Director/Special Projects Coordinator Matt Morris described how the Housing Department was dissolved in order to save about \$117,000 per year. He explained that housing is a vital concern; however, Camp Verde does not have the resources to maintain an independent department. He described the Revolving Loan Fund that will eventually reach a point where other projects can be undertaken, but at this point, the best approach is to work in a regional effort

to promote sustainable housing. He described meetings and ongoing regional efforts to develop this approach to a difficult problem. Morris explained that his focus as the Special Projects Coordinator is to work on rewriting the Town's zoning ordinances, noting that 10% of his time is to be used to promote a regional approach to sustainable housing.

There was no further staff input.

Gioia said that members were present to give guidance. Councilor Smith said that he would like to do whatever we could to serve our youth and seniors.

Gioia said that he would like to protect the Town's employees who depend on their jobs; to progress the park as much as possible, finding donors for the plumbing, turf, roads, etc.; to move the library forward even if all we could do was to promote and support the fundraising efforts; the teen center, our seniors; and whatever possible to keep from losing ground on the projects that are planned and/or underway.

Kovacovich said that his strategic object is survival. He said that getting started on the new park is fine, but knowing that there is no money, he would like to see Rezzonico Park finished.

Bob Burnside thanked everyone and added that he had spent the past two weeks meeting with department heads. He said that things are tough right now and he too, would like to have a new park and a library. He said that as he walked through the offices as an outsider, he noticed that we have maintenance issues throughout the whole Town Hall. He said that we always 'want this and that' and we will fix what we have later. He said that we need to take a good hard look at what needs to be repaired and focus in that area. He felt that the Town's publications needed to be 'cleaned up' so that accurate information is available to the public. He said that we also need to address the storm management requirements, but the most important concern should be getting the foundation back in order. He said the recession would not last, but that it would not be resolved in 2009. He said to slow down, fix our assets, but keep an eye on the future.

5. Adjournment

On a motion by Hauser, seconded by Smith, the meeting was adjourned at 8:58 p.m.

Deborah Barber, Town Clerk

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the discussion of the Mayor and Common Council of the Town of Camp Verde during the Regular Session of the Town Council of Camp Verde, Arizona, held on the 25th day of February 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2009.

Deborah Barber, Town Clerk

**MINUTES
REGULAR SESSION
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, FEBRUARY 18, 2009
6:30 P.M.**

**Minutes are a summary of the actions taken. They are not verbatim.
Public input is placed after Council motions to facilitate future research.
Public input, where appropriate, is heard prior to the motion**

1. **Call to Order**
The meeting was called to order at 6:30 p.m.
2. **Roll Call**
Mayor Gioia, Vice Mayor Hauser, Councilors Garrison, Smith, and Kovacovich were present; there are two seats vacant.

Also Present: Town Manager Mike Scannell, Library Director Gerry Laurito, Parks & Recreation Director Lynda Moore, Town Clerk Debbie Barber, and Recording Secretary Margaret Harper.
3. **Pledge of Allegiance**
The Pledge was led by Kovacovich.
4. **Consent Agenda** – All those items listed below may be enacted upon by one motion and approved as consent agenda items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Council requests.
 - a) **Approval of the Minutes:**
 - 1) Regular Session – February 4, 2009
 - 2) Special Session – February 4, 2009
 - b) **Set Next Meeting, Date and Time:**
 - 1) February 25, 2009 at 6:30 p.m. – Council Hears Planning & Zoning – **CANCELLED**
 - 2) February 25, 2009 at 6:30 p.m. – Council Retreat
 - 3) March 4, 2009 at 6:30 p.m. – Regular Session
 - 4) March 18, 2009 at 6:30 p.m. – Regular Session/Council Hears Planning & Zoning
 - 5) March 25, 2009 at 6:30 p.m. – Council Hears Planning & Zoning – **CANCELLED**
 - c) **Possible authorization to add the Town's name to letter sent to Arizona legislators asking them to refrain from diverting the Arizona Heritage Fund for FY 2009 adjustments or for the FY 2010 budget.** (Staff Resource: Mayor Gioia)
 - d) **Possible direction to staff to amend the March 6, 2009 letter to Arizona State Parks requesting a Waiver of Retroactivity for Acquisition Projects to allow the Town to apply for a Heritage Grant as soon as funds become available and authorization for the Mayor to sign.** (Staff Resource: Mayor Gioia)
 - e) **Possible approval of the sublease with the Kiwanis Club of Beaver Creek in Rimrock to house the Beaver Creek Library Services (a branch of the Camp Verde Community Library).** (Staff Resource: Gerry Laurito)
 - f) **Possible approval of the Yavapai Library Network Participation Library Automation Agreement, an Intergovernmental Agreement between the Town of Camp Verde and the City of Prescott as agent of the Yavapai Library Network.** (This is a budgeted item.) (Staff Resource: Gerry Library)
 - g) **Possible approval of a special event liquor license application submitted by the American Legion Post #93 for the Verde Valley Highland Games to be held on March 28, 2009 at 30 E. Hwy. 260, Camp Verde.** (Staff Resource: Debbie Barber)
 - h) **Possible approval of the proposed 2009/10 Budget Calendar.** (Staff Resource: Michael Scannell)
 - i) **Possible direction to staff to prepare a letter of support to the State Legislature and Governor relative to the continued funding of the University of Arizona's Drachman Institute.** (Staff Resource: Vice Mayor Hauser)

On a motion by Hauser, seconded by Kovacovich, the Consent Agenda was unanimously approved as presented, with the exception of Item i), and correction of two minor typos.

Garrison requested that Item i) be pulled for discussion; the year indicated in Item d) should be corrected to reflect 2008, and correct Item f), to state "Gerry Laurito."

- 4.i) **Possible direction to staff to prepare a letter of support to the State Legislature and Governor relative to the continued funding of the University of Arizona's Drachman Institute.**

On a motion by Hauser, seconded by Kovacovich, the Council unanimously approved Item 4.i).

Garrison requested that in the future the Council members have an opportunity to review any letters before they are mailed out. Smith also recommended that when requesting approval to send such letters, a draft of the proposed letter be included in the agenda packets for review.

There was no public input.

Garrison requested that Item 19 be moved under Item 14 to make sure that it will be heard at this meeting; it was agreed to do so.

5. **Call to the Public for Items not on the Agenda.**

(Comments from the following individuals are summarized.)

Bill Carter, Camp Verde Realty, spoke on behalf of the Merchants Committee, to protest the recent amendments to the sandwich sign Ordinance, and the lack of support from the Town for the small businesses; the merchants have received a letter that the "rules have changed" from the decision made on December 17, and they have chosen to consult an attorney to discuss available options.

(Gioia reminded the speakers that Council will not be able to respond to them since the issue is not an agenda item, but this is a venue where all input is certainly invited.)

Alex Wilson, representing the Chamber of Commerce which has a responsibility to the business owners, spoke as an advocate, recommending that the Town return to the previous policy adopted in December, allowing time for the businesses to have the signs in 2009, and pointing out that it is not in the Town's best interest to make the business environment even more difficult and to keep in mind the current economic situation..

Bea Richmond said she could not understand how depriving businesses off of Main Street their sandwich signs squares with the need to conserve money by the Town itself; she likes the "cozy" small-town type of signs.

Therese Tobish, Ancient Bear Gallery, said she could have the signs, but it is not fair.

Jim Lawson understands how tough it is for a small business to survive, and asked if the Council supported the proposition for the signs. *(Gioia explained the process for returning an item to the agenda for a rehearing.)*

Charlotte Floyd, Treasure Box, said that the main concern was how the sign ordinance will hurt the Bread of Life, as well as those who are two or three streets over; they want an equal playing field.

Andy Dickey, Verde Barbell, also requested that the issue be brought back on the agenda; the survival of his business needs every marketing tool they can get. *(Gioia said he would consider that as a direct request to him as a member of the Council.)*

Ramona Aldridge said that her business would allow the sign, but she questioned businesses who are on Main Street, but whose doors do not technically face Main Street; she suggested the Ordinance is nitpicking.

Ken McKnight, American Legion Bingo, referred to the sign put out each Sunday by the Methodist Church which he believes that is the same as the senior citizens' Bread of Life; what is wrong with those?

Donna Stilwell expressed her continuing anger, saying she is "mad as hell."

Stan Dickey, Verde Barbell, referred to the Governor enacting a moratorium against new legislation.

Robin Whatley reported that the issue came up at the Candidates Forum last night; she said those who wanted to see her response and that of other candidates should watch Channel 18, and to call 567-3433 for information. Whatley also announced the Transportation meeting tomorrow night, Cliff Castle Conference Center, from 6:00 to 7:30 p.m.

Lauren Thomas, Black Rose, said the signs are visual affirmation that the businesses are there.

Jim Flick, a 23-year resident, reminded everyone that the folks running for different office have their signs all over the place, and asked if they are in a different category.

There was no further public input.

Gioia said that he personally would ask that the issue be agendized for Council consideration. **For the record**, Smith said he would like to discuss the kiosks on the comers again, as well as the fees for the signs. Gioia said that would be added to the agenda.

6. **Council Informational Reports**

Smith shared information from Ron Long on the recent meeting of the Verde Valley Transportation & Planning Organization and the need for shovel-ready jobs to receive the full benefit of the State allocation of \$800,000. Smith reported on his attendance at an emergency meeting of the Sanitary District, with input from Town Manager Scannell that the issue of the redrafting of the IGA has been tabled and referred to their attorney. Smith explained how Sedona Recycles will accept and dispose of electronic appliances, primarily TV sets.

Garrison gave an update on recent NACOG meetings and information on the drastic loss of jobs due to the economy. Garrison requested an agenda item for the March 4th meeting to invite the Yavapai-Apache Nation to present and Council accept the check from the Proposition 202 funds in the amount of \$56,058.

Hauser reported that information from the water meetings she attended indicates that the water situation is in very good shape and promises to remain so.

Gioia said that the Census Bureau is hiring up to 250 jobs in the Verde Valley, paying between \$12.50 and \$18.00 an hour; for inquiries about interviews call 928-286-5600, through 5606. Gioia reported on his discussions with the Director of State Parks regarding Ft. Verde and the possibility of using the Land Conservation Fund. The Stimulus Package may or may not allow new parks to be built from the fund. Gioia also reported on his attendance at the Yavapai County Water Advisory Committee meeting.

7. **Presentation by Lettie Connell relative to the Wreaths across America for the Prescott National Cemetery.**

There was no action taken.

Lettie Connell said she was appearing in order to request donations, either as a group or individually, and in her presentation outlined the mission of the "Wreaths Across America" organization to place wreaths on military graves to honor those men and woman who fought for the freedom of America. Ms. Connell provided the organization's website, www.waa4tnc.com; her phone number if 928-567-5012.

There was no public input.

8. **Presentation and update by Director Kathy McLaughlin relative to the Yavapai Family Advocacy Center's activities.**

There was no action taken.

Kathy McLaughlin distributed copies of a print-out of a Power Point presentation, and gave a comprehensive update on the importance and effectiveness of the combined resources at the Yavapai Family Advocacy Center, the first presentation having been made 10 years ago.

There was no public input.

9. **Presentation and possible approval of the Verde Valley Ranger's Mounted Sheriff's Posse's annual event calendar in which they will sell alcohol, specifically June 5-6, 2009 – Crawdad Festival, July 18, 2009 – Corn Festival, and October 9-10, 2009 – Ft. Verde Days. This is a pre-authorization for the events and does not approve the actual Special Event Liquor License applications, but rather lets the organization know if it is practical to proceed with the applications.**

On a motion by Kovacovich, seconded by Smith, the Council voted **4-1** to approve the Verde Valley Ranger's Mounted Sheriff's Posse's annual event calendar; with a 'no' vote by Garrison.

Jim Williams, Verde Valley Rangers Sheriff's Posse, reviewed the successful result of their participation in the Crawdad Festival event last year and the use of those funds, and requested permission to sell beer at this year's Crawdad Festival, Corn Festival and Ft. Verde Days. Mr. Williams said he has been working with Lynda Moore on the functions, including the Wine & Pecan event.

The members discussed with Mr. Williams the possibility of another successful Crawdad Festival this year; Smith and

Hauser both would hope they will do well since it is a big help to the staff. Garrison expressed her continuing concern over the risk of lawsuits that the Town assumes resulting from sales of alcohol on Town property; she stated that she would always vote against alcohol at functions held on Town property.

PUBLIC INPUT

(Comments from the following individual are summarized.)

Linda Buchanan thanked the Rangers for all they do for the community; she cited the pending and potential lawsuits facing the Town already, and believes that the Rangers have proven over time that they can mitigate the risk.

There was no further public input.

Councilor Garrison requested item #10.

10. **Possible reconsideration of the action taken on February 4, 2009 to renew the Intergovernmental Agreement with the Camp Verde Unified School District for use of the triangle parking lot and trail adjacent to Butler Park and the District Office and authorization for the Mayor to execute the contract documents.** (*Staff Resource: Lynda Moore*)

There was no action taken.

Garrison explained that her previous questions about the subject IGA have not been addressed by new School Board as had been requested; she reiterated her concern about the cost involved, the responsibility for restoring the property if abandoned or closed, and the termination clause that is the same as that in the pool agreement which caused problems for the Town. Director Moore said she did not have the cost for maintenance, pointing out that the lot is mostly used only during Little League and soccer; staff would maintain it even without the IGA if debris were left following any use by the Town. Moore could not see the School District backing out of the agreement; there is no cost involved, both parties benefit, and the IGA has been renewed automatically for a number of years. There was further discussion on maintenance performed by staff, which Moore said amounts to very little.

PUBLIC INPUT

(Comments from the following individual are summarized.)

Linda Buchanan reminded the Council that the same people who elected them also elected the School Board, and the Council should just consider reasonable risk; everyone should "play well" with each other.

There was no further public input.

Town Clerk Barber confirmed that the IGA was approved under the Consent Agenda previously; the document has not yet been executed. Garrison **requested that the record show** that her vote should be registered as "No," based on no time line guarantee in the document and the experience with the pool IGA.

There was no consensus that the Council reconsider the action taken on February 4, 2009, and Garrison reiterated her request that the Minutes reflect that she did not vote "Yes."

11. **Discussion, consideration, and possible approval of Ordinance 2009-A362, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Section 2-1-4 of the Town Code, Vacancies in Council.** (*Staff Resource: Debbie Barber*)

On a motion by Hauser, seconded by Garrison, the Council unanimously approved Ordinance 2009-A362, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Section 2-1-4 of the Town Code, Vacancies in Council.

Barber reviewed the research she had done on municipal elections in connection with replacing Councilor German who resigned on February 2, 2009; and the potential for incurring the expense of a General Election in September. The suggested changes to the Ordinance would still fall in line with the Statutory requirement for elections, while keeping the intent of the original Ordinance. If the amendment is approved, it would become effective on March 20th, which means an appointment to the seat left vacant by German would need to be made no later than April 3rd. Otherwise, it would be left for the General Election in September, which leaves the seat vacant for 9 months.

The members briefly discussed the options presented, the concern that the citizens should be involved in selecting a replacement, and the recommendation to amend the Ordinance as reviewed. For further clarification, Baker reconfirmed the effect of the change in the Ordinance.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Jackie Baker commented that a person running in the General Election would have as much time to campaign as those in the Primary; a change in the Ordinance is not a very good idea since it would in effect take the public out of the decision on a 4-year Council term.

Linda Buchanan said that she supports the Clerk's recommendation, and that the community trusts the Council to make those difficult decisions.

There was no further public input.

A recess was called at 8:09 p.m.; the meeting was called back to order at 8:19 p.m.

12. **Discussion, consideration, and possible approval of Ordinance 2009-A360, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Town Code Chapter 4 Boards, Commissions, and Committees, Article 4-2.A.3 - Organization and Article 4-3 - Meetings.** (*Staff Resource: Debbie Barber*)

On a motion by Garrison, seconded by Hauser, the Council unanimously approved Ordinance 2009-A360, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Town Code Chapter 4 Boards, Commissions, and Committees, Article 4-2.A.3 - Organization and Article 4-3 - Meetings, with the suggested changes.

Barber explained that in November Council voted to reduce the number of meetings to reduce expenses because of the economic downturn; in order to do that it is necessary to amend Chapter 4 of the subject Ordinance pertaining to Organization and Meetings. A Resolution will be prepared in January of each year setting forth the hours of operation, Holiday Schedule and the meeting schedules for the Boards and Commissions, to be posted on the Town website. Barber quoted the statement, "that the Council shall establish meeting dates and times by Resolution in January of each year," and meetings were changed to every other month. Barber also cited the provision, "that Commissions may schedule special meetings or work sessions with the prior approval of the Town Manager."

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Lisa Mina, Library Commission Chairperson, requested that the Library Commission be allowed to set its schedule to meet 6 times a year, for example, March, April, July, September or October; she suggested that the schedule could be determined every January, selecting 6 months during the year instead of every other month. (*The Council held a discussion based on the request from Mina, addressing the effect on staffing, as well as the intent to reduce the number of meetings during the year to 6; it was generally agreed that scheduling the 6 meetings could be set by each Commission in January of each year, with the approval of Council.*)

Bea Richmond protested of being "lock stepped" into the schedule set by Council that resulted in a gap of three months for a meeting of the Trails & Pathways Commission.

Linda Buchanan, reminded the Council that the Housing Commission has been reduced to a quarterly schedule; she agrees that there are different circumstances with each Commission.

Robin Whatley said this is a great idea, she is already planning how to get out of town in the summer; she is not speaking for Parks & Recreation, but the proposed agenda looks like it would be a good one, and the public can see the schedules on the Town website.

Roger Doering, Library Commission, explained that the Library operates in concert with the school year; he suggested that the wording on the provision for special meetings be revised to state, "**subject to** the approval of the Town Manager."

There was no further public input.

The members reviewed establishing the schedules at the beginning of the year, the schedules as listed in the agenda packet, starting in March, also addressing this year's four meetings allotted to the Housing Commission. In response to a question, Ms. Buchanan, although not speaking for the entire Housing Commission, said she would be willing to recommend adopting the proposed schedule at their March meeting.

Garrison summarized her understanding of the discussed changes, that the meetings would be held every other month, starting in March, except for the schedule submitted by the Library Commission, and as discussed with Ms. Buchanan, and if any Commission feels it is necessary they may make a request to Mr. Scannell. As for the meetings to be held every other month, Barber suggested the language be changed to, "6 meetings per year." A Resolution will be presented to Council every January with the proposed schedules. It was also agreed to make the change suggested by Mr. Doering, instead of "with prior approval of the Town Manager," to "**subject to the approval of the Town Manager.**"

13. **Discussion, consideration, and possible approval of Ordinance 2009-A361, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Town Code Article 2-3-1, Regular Meetings.** (Staff Resource: Debbie Barber)

On a motion by Gioia, seconded by Hauser, the Council unanimously **did not approve** Ordinance 2009-A361, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Town Code Article 2-3-1, Regular Meetings.

Barber said that the subject Ordinance addresses the Council meetings, and Council had decided to reduce the number of meetings to two per month, and in order to do that, changes will be required to the Town Code. Barber pointed out that the meetings have been very long, with a number of items not having been addressed because of time. According to the Town Attorney, that schedule cannot be followed on a temporary trial basis; the Code must be amended. If Council wants to keep the meetings as they are, with P&Z on the 4th Wednesday, then no amendment is required.

The members discussed the problems resulting from the revised schedule, with varied suggestions on how to accomplish more within that time line and try to become more efficient, but with the majority agreeing that it has not been working.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Jackie Baker said she believes all that is cut out is only one meeting; the second Wednesday of the month was set aside for a Work Session. Ms. Baker added that she believes that the Housing Commission should also have been given 6 meetings.

George Young said that in videotaping the programs he has found that the time involved in transcribing them to put on the air has been exactly the same, so there does not appear to be any saving by extending it out in time or having two smaller meetings.

Linda Buchanan said she believes this is one of those penny-wise, pound-foolish decisions; cutting back on Council meetings was done in excess of what the Town Manager suggested; the Council is sacrificing the decision-making process and creating chaos in the community.

There was no further public input.

There was general agreement to continue to try to tighten up meetings, and when possible cut them, and to carefully take steps in order to get the work done.

14. **Discussion, consideration, and possible approval of Resolution 2009-759, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, setting Meeting Dates and Times for Council and all Commissions/Committees for 2009.** (Staff Resource: Debbie Barber)

On a motion by Garrison, seconded by Kovacovich, the Council unanimously approved Resolution 2009-759, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, establishing hours of operation, setting Meeting Dates and Times for Council and all Commissions/Committees for 2009, with the changes, including the schedule that the Library Commission submitted, the change in the meeting time for Trails & Pathways to 5:30 p.m., and with the four meetings per year for the Housing Commission as previously approved.

Barber explained that the subject Resolution establishes the meeting dates and times for all the Commissions so that all the members will know their schedules throughout the year, as well as when quarterly reports are due. In addition, the Chamber of Commerce has requested that they be included in the quarterly report schedules; changes to the Library Commission meetings will be made in accordance with their request.

Discussing the schedules for the quarterly reports, it was agreed that, since they will only meet four times a year and the schedule was prepared after their January meeting, the Housing Commission would begin their quarterly report meetings starting with March, with no penalty for the January meeting.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Bea Richmond commented that at their November meeting the Trails & Pathways Commission had voted to change from 6:30 p.m. to 5:30 p.m., and asked whether the time listed in the schedule could be changed to 5:30 p.m. *(In response to a question from Council, Richmond confirmed that the new time had been determined by Commission vote.)*

Jackie Baker questioned whether an exception for the Housing Commission being limited to 4 meetings per year had been made a part of the Resolution. *(Garrison said that schedule had been voted upon at the last meeting, and that the Clerk had confirmed that it had been addressed in the Ordinance.)*

There was no further public input.

There was discussion about the times set for meetings of the Commissions, and that when the time is set in January each year it cannot be changed in mid-year; however, acknowledging the new meeting time for the Trails & Pathways Commission would create no problem at this point.

There was some concern regarding the meeting schedule for the Housing Commission and the possible need to reconsider the Ordinance as adopted; after further discussion it was determined that the exception establishing the Housing Commission meeting four times a year had been voted upon previously and re-confirmed in the motion adopting this Resolution.

15. **Discussion, consideration, and possible authorization for the Mayor as the Town's Chief Elected Official to support or oppose certain Bills introduced during the legislative sessions when they adversely affect the Town's interests and need an immediate response.** *(Staff Resource: Debbie Barber)*

A motion by Kovacovich, seconded by Smith, to withdraw the subject authorization **failed by a 3-2 vote**, with 'no' votes by Hauser and Gioia.

Barber said that the requested authorization is an annual exercise that establishes the policy allowing the Mayor to respond to issues that come up when there is insufficient time to have a Council meeting; the Staff Report indicates what was approved last year.

Gioia requested that Council also empower him to react to any legislation about saving Ft. Verde, which would be in the Town's interest.

There were comments from some members expressing their objection and concern about letters being mailed without Council review; also, examples of letters sent without Council authorization were cited, including a letter to all Commissions regarding cutting meetings, and a recent letter to the Attorney General requesting review of a matter for possible criminal charges. Gioia read aloud the letter that had been sent to all the Commissions, adding that the letter had been reviewed by the Manager and staff; Gioia apologized for the wording that had been perhaps misleading.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Linda Buchanan commented that things that are said to "adversely affect" the Town's interest may not mean the same thing to all.

Robin Whatley said that hopefully not being able to meet the need for immediate response will not hurt the Town.

There was no further public input.

Hauser added her opinion that things do come up in the Legislature, and she shared past experience in connection with the need to testify because of legislation that was affecting the Town's water resources. Gioia referred to the list of items that Council had agreed upon in 2008 and authorized the Mayor to: Item 1, "Support legislation that protects the groundwater aquifer of the Verde River Basin;" Item 2, "Oppose legislation that compromises the integrity of the groundwater aquifer of the Verde River Basin," Item 3, "Support legislation that maintains the State-shared revenues for the Town"; Item 4, "Oppose legislation that erodes State-shared revenues"; Item 5, "Support legislation that retains land use authority for municipalities in Arizona"; and/or 6, "Oppose legislation that erodes the land use authority for municipalities in Arizona." Gioia requested confirmation that there is a majority of Council members who do not want him to stand for those items as had been agreed upon in the past; there was no further discussion.

16. **Discussion, consideration, and possible appointment of Council members and alternates to serve as the Sanitary District Liaison and the Chamber of Commerce Liaison.** *(Staff Resource: Mayor and Council)*

On a motion by Gioia, seconded by Smith, the Council unanimously appointed Ron Smith as the Liaison to the Sanitary District, and Brenda Hauser as the Liaison to the Chamber of Commerce.

The members discussed whether there should continue to be a liaison for the Sanitary District since it appears the only issues left are the tank and the 15 acres, plus it would cost to redo the IGA. In addition, Smith said he would prefer not to serve as liaison to the Chamber, but he would be willing to be appointed as liaison to the Sanitary District, if Council wishes. Hauser volunteered to be the Chamber of Commerce liaison. Town Manager Scannell expressed his belief that it is critically important to continue some level of communication with the Sanitary District, and that the IGA should now be revised. Garrison confirmed that the appointments made would be just until the June election.

There was no public input.

17. **Discussion, consideration, and possible development of projects to submit to Ann Kirkpatrick, Member of Congress for consideration in the American Recovery and Reinvestment Act followed by possible direction to staff to submit the projects in the required format.** *(Staff Resource: Mayor Gioia)*

Staff, with Gioia, was directed to try to fit the criteria and work with the Congresswoman's office personnel who have offered to help find the correct agencies, the names and the line items to name for requests for appropriations for these projects; also, staff to get estimates of the number of jobs these projects will create and people to be employed.

Gioia referred to the requirement to submit requests for appropriations in a particular format and to fit certain criteria; however, in discussions with the Congresswoman's office, Gioia was informed that the Town is encouraged to apply for anything that will further the cause of increasing jobs, including infrastructure and facilities, and her office has assured Gioia that they will work with the Town no matter what is prioritized and how it fits into the criteria.

Gioia suggested including, as first and foremost the completion of Hwy 260 to a four-lane; development of Phase I of the 118-acre park land; and construction of the Library. Gioia outlined his understanding of the percentage of the appropriations to be made to the State with the remainder going to municipalities. Gioia reviewed infrastructure projects suggested by staff for Finnie Flat Road, Hollamon Street, Black Bridge, Phase II Townsite, Salt Mine Road, Yaqui Circle, General Crook Trail, Middle Verde Road, McCracken Road, and Montezuma Castle Highway. The non-infrastructure projects are the Town Library, Chamber of Commerce remodel, and Town Computer System. Gioia said he would recommend placing the 4-lane Hwy 260 project first, and then the Park and the Library, to be included on the list of non-infrastructure projects and in front of the list of recommendations.

PUBLIC INPUT

(Comments from the following individual are summarized.)

Roger Doering recommended meeting with the business people and the Chamber to get their ideas to try to find out what would help stimulate the economy, including suggestions for bringing in industry or manufacturing activities to create jobs.

There was no further public input.

Addressing the suggestions made by Mr. Doering, Gioia explained that there are certain criteria and regulations that must be complied with, and infrastructure projects that would create jobs are the first consideration, not plans for economic development. Gioia then outlined what he would suggest as direction to staff, with his participation as well, and Town Manager Scannell confirmed his understanding of such direction that included following the guidelines enumerated in Congresswoman Kirkpatrick's February letter as closely as possible, with the assurance that her staff will work with the Town on the list of projects to be submitted.

Because of the late hour, the meeting was next formally adjourned with no other actions taken.

18. **Discussion, consideration, and possible direction to staff to prepare an ordinance that adopts Robert's Rules of Order, as modified that best fits the Town's needs for Council consideration at the earliest possible date.**
(Staff Resource: Michael Scannell)

(Note: Item 19 was heard prior to Item 15, as agreed.)

19. **Discussion, consideration, and possible acceptance or rejection of bids for the Town-owned property consisting of .36 acre parcel of the northern boundary of the Community Park located at McCracken Lane. The bid opening is scheduled for February 13, 2009.** (Staff Resource: Lynda Moore)
On a motion by Smith, seconded by Kovacovich, the Council unanimously accepted the bid for the Town-owned property consisting of .36 acre parcel of the northern boundary of the Community Park located at McCracken Lane; this sale does not affect or move the 100-foot buffer that has been placed around the Park.

Director Moore announced that at the bid opening one bid was received in the amount of \$12,077; there was no discussion.

There was no public input.

20. **Discussion, consideration, and possible authorization to fill the position of Parks Administrative Assistant.**
(Staff Resource: Lynda Moore)
21. **Presentation and possible reconsideration of Council's decision to have Town Staff enforce the Town's regulations concerning the youth livestock project activity for 2009 based on new information submitted by the FFA advisors, allowing the FFA advisors to proceed with the enforcement regulations for 2009.** (Staff Resource: Nancy Buckel)

Councilor Smith requested item #22:

22. **Discussion, consideration, and possible direction to staff relative to a) holding in abeyance any actions relative to enforcing the transaction privilege tax on residential and commercial properties in the Town of Camp Verde and b) to prepare an analysis for the Council's review and to deliver said analysis on or before March 4, 2009 of those options that exist with respect to developing new sources of revenue to offset the loss of revenue that may flow from the rescission of the transaction privilege taxes currently levied on residential and commercial properties in the Town of Camp Verde.**
23. **Call to the Public for Items not on the Agenda.**
24. **Advanced Approvals of Town Expenditures**
a) **There are no advanced approvals.**
25. **Manager/Staff Report**
Community Development Director Buckel reported that notice was received today that the court date previously set for March 2 and 3, 2009 on the woodyard litigation has been continued to June 17, 2009 at the request of Robert Earle, attorney for the Zellners.
26. **Adjournment**
On a motion by Hauser, seconded by Smith, the meeting was adjourned at 10:12 p.m.

Margaret Harper, Recording Secretary

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Regular Session of the Town Council of Camp Verde, Arizona, held on the 18th day of

February 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2009.

Debbie Barber, Town Clerk

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: 3-4-09

Meeting Type: Regular Session

Type of Presentation: Verbal Only

REFERENCE DOCUMENT: Invoice

AGENDA TITLE: (Be Exact):

Possible authorization to to pay the Town's portion of the legal expenses related to the League of Cities and Towns v. Martin/ Napolitano in challenging the constitutionality in Section 47 of HB2209 that required cities, towns, and counties to deposit \$29.7 million into the State General Fund. The Town's portion is \$576.00. The Supreme Court ruled in favor of the League's position; however, legal fees were not awarded. This is a non-budgeted item in legal services.

PURPOSE AND BACKGROUND INFORMATION:

The League of Arizona Cities & Towns filed a Special Action lawsuit with the Supreme Court in November 2008, challenging the constitutionality of Section 47 of HB2209 that required cities, towns, and counties to deposit \$29.7 million dollars in the General Fund. The Town's assessment is a base amount of \$300.00 plus a per capita amount of 2.4 cents.

STAFF RECOMMENDATION(S): (Suggested Motion)

Authorize staff to proceed with payment to the League of Cities and Towns.

Type of Document Needing Approval:

Finance Director Review

Budgeted/Amount

Yes

Comments:

Fund:

Line Item:

Submitting Department: Administration/Manager

Contact Person: Michael Scannell

Town Manager/Designee:

Please Note: You are responsible for checking out, setting up, and returning all special equipment to the Clerk's Office.

February 18, 2009

TO: Mike Scannell, Town Manager, Camp Verde

FROM: Ken Strobeck, Executive Director

SUBJECT: **Special Assessment for Legal Fees**

On February 3, 2009, the Arizona Supreme Court issued a unanimous ruling in the case of LEAGUE OF ARIZONA CITIES AND TOWNS V. MARTIN/NAPOLITANO in support of the League's position.

The League, on behalf of the 90 cities and towns in Arizona, filed a Special Action lawsuit with the Supreme Court in November 2008, challenging the constitutionality of a section in one of the 2008 state budget bills (Section 47 of HB2209) that required cities, towns and counties to deposit \$29.7 million into the state General Fund. The court agreed that the provision was unconstitutional and that cities and towns were not required to pay those funds.

Before the League filed the action, the Executive Committee decided to pass a special assessment for the attorneys' fees. The League requested, but was not awarded, attorney's fees in the case.

At its February 2009 meeting, the Executive Committee authorized a special assessment capped at \$150,000 to be distributed among all the League member cities and towns. It is expected the total legal bill will be higher than that amount, but additional costs will be paid out of the League's current operating budget. The assessment is calculated using a base amount of \$300 for each city and town plus a per capita amount of 2.4 cents.

If you have any questions about the Special Action lawsuit or the League legal fees assessment, please contact me.



1820 W. Washington • Phoenix, AZ 85007 • Phone (602) 258-5786 • Fax (602) 253- 3874
Email: league@mg.state.az.us • Web site: www.azleague.org

SPECIAL ASSESSMENT STATEMENT
for
FY 2008-2009

THE LEAGUE OF ARIZONA CITIES AND TOWNS

1820 West Washington Street
Phoenix, Arizona 85007
Phone: (602) 258-5786

Town of Camp Verde

Attorneys fees for the Special Action lawsuit League of Arizona Cities and Towns v. Martin/Napolitano.

Population @ 2.4¢ per capita	11,519	x	0.024	=	\$276
Plus \$300 base					<u>300</u>
				Dues Amount	\$576

Please make checks payable to the League of Arizona Cities & Towns.

Thank you!

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: March 4, 2009

Meeting Type: Regular Session

Type of Presentation:

REFERENCE DOCUMENT:

Consent Agenda -

AGENDA TITLE: (Be Exact):

Discussion, consideration and possible direction to staff to transfer funds in the amount of \$3,605.00 from Special Event Supplies to Wine Reimbursement.

PURPOSE AND BACKGROUND INFORMATION:

During the 08/09 Budget we decided not to reimburse the wineries for tasting tickets at the 2009 Pecan & Wine Festival, as a cost saving measure. Due to lack of participation, on Jan. 13, 2009 Council directed staff to reimburse the wineries. There is adequate funds in the Special Event Supplies to transfer.

STAFF RECOMMENDATION(S): (Suggested Motion)

Direct staff to transfer funds in the amount of \$3,605.00 from Special Event Supplies to Wine Reimbursement.

Type of Document Needing Approval:

Finance Director Review

Budgeted/Amount

Yes

Attorney Review Yes No

Attorney Comments

Fund:

Line Item:

Submitting Department: Parks & Recreation

Contact Person: Lynda Moore

Town Manager/Designee:

Rev.8-08

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date:

Meeting Type:

Type of Presentation:

REFERENCE DOCUMENT:

AGENDA TITLE: (Be Exact):

PURPOSE AND BACKGROUND INFORMATION:

STAFF RECOMMENDATION(S): (Suggested Motion)

Type of Document Needing Approval:

Finance Director Review

Budgeted/Amount

Attorney Review Yes No

Attorney Comments

Fund:

Line Item:

Submitting Department:

Contact Person:

Town Manager/Designee:

RESOLUTION 2009-761

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL
OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA,
ESTABLISHING HOURS OF OPERATIONS and SETTING THE 2009 HOLIDAY SCHEDULE**

WHEREAS, it is in the best interest of the Town to inform all citizens of the hours of operation of all public facilities;

NOW THEREFORE, the Mayor and Common Council of the Town of Camp Verde do hereby resolve to establish the following Hours of Operation and Holiday Schedule for all Town Offices and staff as follows:

Hours of Operation		
Administration Offices	Monday – Friday	8:00 a.m.-5:00 p.m.
Municipal Court	Monday – Friday	8:00 a.m.-5:00 p.m.
Community Development	Monday – Friday	8:00 a.m.-5:00 p.m.
Parks & Recreation	Monday – Friday	8:00 a.m.-5:00 p.m.
Swimming Pool	Monday-Saturday	Open Memorial Day Close Labor Day
Public Works	Monday – Friday	7:00 a.m. – 4:00 p.m.
Animal Control	Monday-Friday	8:00 a.m. – 5:00 p.m.
Marshal's Office – Admin	Monday – Friday	8:00 a.m.-5:00 p.m.
Marshal's Office-Deputies	24 Hours per Day	24 Hours per Day
Library	Tuesday	8:30 a.m. – 7:30 p.m.
Library	Wednesday-Thursday	8:30 a.m. – 6:00 p.m.
Library	Friday	8:30 a.m. –5:00 p.m.
Library	Saturday	9:00 a.m. – 3:00 p.m.
Library	Closed Sunday & Monday	-

2009 Holidays Observed by the Town – All Administrative Offices are Closed	
Thursday, January 1, 2009	New Year's Day
Monday, January 19, 2009	Civil Rights Day
Monday, February 16, 2009	Presidents Day
Monday, May 25, 2009	Memorial Day
Friday, July 3, 2009	Independence Day
Monday, September 7, 2009	Labor Day
Monday, October 12, 2009	Columbus Day has been deleted from the Observed Holiday List in exchange for Christmas Eve Holiday
Wednesday, November 11, 2009	Veteran's Day
Thursday, November 26 & Friday, November 27, 2009	Thanksgiving
Thursday, December 24, 2009 & Friday, December 25, 2009	Christmas

Passed and approved by a majority vote of the Common Council at the regular meeting of March 4, 2009.

Tony Gioia, Mayor

Attest:

Approved as to form:

Deborah Barber, Town Clerk

William Sims

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: March 4, 2009

Meeting Type: Regular

Type of Presentation: Verbal

AGENDA TITLE: Possible authorization to pay \$5,806.10 for loss adjustment expense to Southwest Risk/Arizona Municipal Risk Retention Pool (AMRRP) for Alton v. Town of Camp Verde litigation.

PURPOSE AND BACKGROUND INFORMATION: Staff is requesting Council consideration to pay \$5,806.10 Southwest Risk/Arizona Municipal Risk Retention Pool (AMRRP) for Alton v. Town.

STAFF RECOMMENDATION(S): Authorize payment of \$5,806.10 to Southwest Risk/Arizona Municipal Risk Retention Pool (AMRRP).

Finance Director Review

Budgeted/Amount Yes No N/A X

Fund: 01-20-17

Line Item: 7110

Comments:

Attorney Review Yes No N/A X

Submitting Department: Administration/Manager

Contact Town Manager Michael K. Scannell: Signature





**TOWN OF CAMP VERDE
AGENDA ACTION FORM**

Meeting Type: Regular **Meeting Date:** Feb 4, 2009 **Type of Presentation:**

Reference Document:

Letter

Agenda Title: (Be Exact):

Possible acceptance of letter of resignation from Gene E. McIntyre from the Board of Adjustment and presentation of Certificate of Appreciation for his service.

Purpose and Background Information:

On February 20, 2009 Gene E. McIntyre turned in a letter of resignation from the Board of Adjustments. The term of Office expires September 2011.

Staff Recommendation(s): (Suggested Motion)

Move to Accept Resignation from Gene McIntyre and thanks for the many years of service, also direct staff to advertise for the vacant position.

Comments:

none

Fund: N/A **Line Item:** **Attorney Reviewed** Yes No N/A

Comments from Attorney:

Not Applicable

Submitting Department: Clerk

Contact Person: Deborah Barber

Copied Council and Staff

MS
DB

Feb 20, 2009

TO WHO THIS MAY CONCERN

DEAR GENNA,

I regretfully resign my position on the Board of Adjustment, due to illness.

Many Thanks to the Town for the opportunity.

Sincerely

Gene E. McIntyre

This certificate is awarded to

Gene McIntyre

In recognition of his valuable service to the Town for his time serving on the Board of Adjustments.



TOWN OF CAMP VERDE

Mayor Tony Gioia

Date

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**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: 3-4-09

Meeting Type: Regular

Type of Presentation: Verbal

REFERENCE DOCUMENT: Proclamation

AGENDA TITLE: (Be Exact):

Discussion, consideration, and possible approval of Proclamation declaring February 14-21, 2009 as Arizona Literacy Week.

PURPOSE AND BACKGROUND INFORMATION:

This item was presented to Council for approval on January 21, 2009. However, Council failed to vote on this item. The Clerk's Office processed the proclamation due to the time constraints and their understanding as stated during the meeting that Council action was not needed.

It is important that we follow procedures and that Council votes on proclamations as needed.

COUNCIL RECOMMENDATION(S): (Suggested Motion)

Approve Proclamation declaring the week of February 14 - 21 as Arizona Adult Literacy Week.

Type of Document Needing Approval: Special Consideration

Finance Director Review

Budgeted/Amount

Comments:

Fund:

Line Item:

Submitting Department: Mayor and Council

Contact Person: Councilor Garrison



**TOWN OF CAMP VERDE
PROCLAMATION**



**Declaring February 14 – 21, 2009 as
*Arizona Adult Literacy Week***

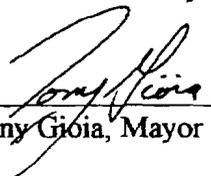
Whereas, Adult Literacy is a major problem in Arizona today, adversely affecting the quality of life and economic standards of many families; and

Whereas, the Town of Camp Verde believes there should be help for those who need to learn to read and for those who wish to improve their reading and learning skills; and

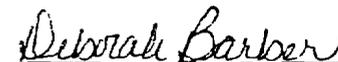
Whereas, the Town of Camp Verde supports educational opportunities for all,

Now, therefore, be it resolved that the Mayor and Common Council of the Town of Camp Verde designate the week of February 14-21 as *Arizona Adult Literacy Week* and resolve that this Official Proclamation be presented to the Camp Verde Adult Reading Program with sincere appreciation of their efforts to assist those in need.

Issued this 21st day of January 2009.

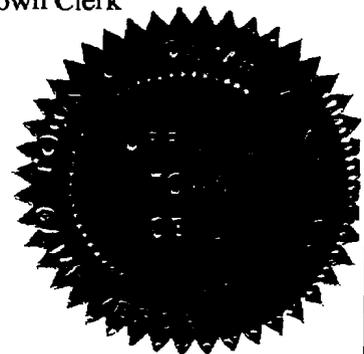

Tony Gioia, Mayor

ATTEST:


Deborah Barber, Town Clerk

1-23-09

original mailed to PO Box 733 - Camp Verde.



further information will be coming back to Council. German said he plans to attend a special meeting of the Sanitary District tomorrow dealing with the refinancing.

Hauser displayed her Cardinals souvenir.

Kovacovich thanked the Town street crew and Ron Long for repairing the cattle guard on Middle Verde Road.

Gioia reported on the suit filed by SRP against ADW regarding the Big Chino pipeline. The Census Bureau will be hiring about 200 citizens to help with the census in the Verde Valley; Gioia is in contact with the Bureau to try to situate one of the interview stations here in Camp Verde, which will create jobs. Senate Bill 22 passed, designating the Wild and Scenic Designation for Fossil Creek; there should not be any challenge in the House for passage of the bill. Gioia said he would be meeting with Congressman Kirkpatrick on Saturday, and asked for any input the members wish to share with her.



7. **Presentation and possible approval of the Proclamation declaring February 14 – 21 as “Arizona Adult Literacy Week.”**

There was no action taken.

Ann Hoy, the new Director of the Camp Verde Adult Reading Program, explained that the special Week is set aside annually to bring attention to adult learners and programs like the Reading Program; she outlined the many benefits offered to adults, including assistance in earning their GED’s and enhancing their job and communication skills. Ms. Hoy requested help to spread the word about those benefits, and indicated a supply of flyers that were available to display at stores and businesses to help inform the public.

Mayor Gioia read aloud the wording from the official Proclamation declaring February 14-21, 2009 as Adult Literacy Week.

8. **Presentation and discussion of the Quarterly Reports from the following Commissions for the period covering October – December 2008:**

There was no action taken.

- a)
 - a) Youth Committee
 - b) Board of Adjustments
 - c) Design Review Board
 - d) Planning & Zoning Commission
 - e) Parks & Recreation Commission
 - f) Housing Commission (added during the meeting)
 - g) Library Commission (added during the meeting)
 - h) Trails Commission (added during the meeting)

Two representatives from the Youth Committee read from their written report; Director Moore confirmed that the staff positions are being filled through the Vista program; no decision has been made regarding officers and their term limits.

Al Roddan presented highlights from the Board of Adjustments report; during the brief discussion he was commended for the Board having acknowledged and adopted the Town Code of Conduct.

Jim Binick gave the Design Review Board report, pointing out the recent approvals of solar panels in construction; there was some discussion on the benefit of solar panels and concern regarding their appearance and visual impact, as well as suggestion that the use of solar panels should be encouraged by both the Design Review Board and Planning & Zoning.

Director Nancy Buckel gave the Planning & Zoning Commission report; there was discussion regarding the reference in the written report regarding violations of the A.R. Statutes. Buckel reviewed the history of ordinance amendments that had created that problem, her contacts with the Town Attorney in that regard, and anticipation that when the research and work are completed on rewriting the Codes the oversights will be corrected. Mayor Gioia requested that Buckel have the Chairperson, or delegated representative, give their report in the future; it should not be left to staff to step in for that body.

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: March 4, 2009

Meeting Type: Regular Session

Type of Presentation: Visual

REFERENCE DOCUMENT:

Fiscal Year 2008-2009 Budget

AGENDA TITLE: (Be Exact):

Possible approval of budget appropriation corrections for the Fiscal Year 2008-2009 Budget.

PURPOSE AND BACKGROUND INFORMATION:

To ensure that the budget appropriation amounts for the Fiscal Year 2008-2009 accurately reflect the expenses of the Town, Staff feels it is necessary to adjust the budget appropriations for a few line items.

The total amount of increased appropriations is \$3,030.

Please see the attached listing for the proposed budget appropriation corrections.

STAFF RECOMMENDATION(S): (Suggested Motion)

Approval of budget appropriation corrections for the Fiscal Year 2008-2009 Budget.

Type of Document Needing Approval:

N/A

Finance Director Review

Budgeted/Amount

Attorney Review Yes No

Attorney Comments _____

Fund:

Line Item:

Submitting Department: Finance

Contact Person: Lisa Elliott, Senior Accountant

Town Manager/Designee:

Town of Camp Verde
 FY 2008-2009
 Budget Appropriation Corrections

Account Number	Department	Budgeted Amount	Corrected Amount	Adjustment	Description
01-20-71-7062	Beaver Creek Library	\$ -		\$ -	Water utility appropriation - monies are available through funds received from Yav Cty
01-20-13-7100	Finance	\$ 73,000	\$ 76,000	\$ 3,000	Allocation for Sales Tax Auditing Program Consultant
01-20-17-7110	Non-Departmental	\$ 18,300	\$ 13,116	\$ (5,184)	Transfer monies back to Non-Departmental for Transit Voucher Program grant match*
01-20-17-7821	Non-Departmental	\$ -	\$ 5,184	\$ 5,184	Transit Voucher Program grant match
01-20-70-7200	Library	\$ -	\$ 30	\$ 30	Services fees previously coded to Non-Departmental - should be Library

* Monies transferred from LTAF II Grant Match to Legal Services via Council approval on September 3, 2008.

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: Mar 4, 2009

Meeting Type: Regular Session

Type of Presentation: Verbal Only

REFERENCE DOCUMENT: Letters of Interest for Parks & Recreation Commission and Trails & Pathways Committee

AGENDA TITLE: (Be Exact):

Discussion, consideration and possible appointment of Ed Mezulis to Trails & Pathways, with the term expiring September 2011, and Karen Thomas to the Parks & Recreation Commission, whose term will expire September 2010.

PURPOSE AND BACKGROUND INFORMATION:

Staff advertised in December and January and posted the openings to our web site. We have only received the two Letter of Interest.

STAFF RECOMMENDATION(S): (Suggested Motion)

Appointment of Ed Mezulis to Trails & Pathways, with the term expiring September 2011, and Karen Thomas to the Parks & Recreation Commission, with the term expiring September 2010.

Type of Document Needing Approval:

Finance Director Review

Budgeted/Amount N/A

Comments: None

Fund: None

Line Item: None

Submitting Department: Clerk's Office

Contact Person: Deborah Barber

Town Manager/Designee:

Please Note: You are responsible for checking out, setting up, and returning all special equipment to the Clerk's Office.



Name: Karen Thomas		Date: February 4, 2009	
Home Address: 2320 North Private Road, Camp Verde, AZ 86322			
Mailing Address, if different: same			
Email Address: Karen95035@sbcglobal.net			
Home Telephone: 928-567-5455		Work Telephone: na	
Are you a resident of the Town of Camp Verde? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Do you own commercial property in the Town of Camp Verde <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Length of residency in the Town of Camp Verde: 4 years Moved here May 2005		Do you operate a business in Camp Verde? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Name and address of business (if applicable): na			
If you are not in business in The Town of Camp Verde, please list your occupation; or if retired, please indicate your former occupation or profession: Administrative Assistant, Instructor at a Junior College, Mother and wife. Now retired.			
Are you now serving, or have you ever served, on a Town of Camp Verde board or commission? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please list names of board/commission and dates served:			
Board & Commission preference (s): Refer to the last page for a list of Boards & Commissions. List your choices in order of preference:			
1. Parks & Recreation Commission		3.	
2.		4.	
Education and Community Service			
Schools Attended:		Degree:	Year:
Phillips Junior College, Campbell, CA		Asso. Office Mgmt	1989
Civic Activities-Service Organizations		Office Held:	Year Begun:
none			Year Ended:
Please state why you would like to be appointed to a Town Board, Commission, or Committee: I would like to be an active participant to improve our local Parks & Rec organization			
What do you believe is the key responsibility of Board, Commission or Committee member to: (a) The Town Council, (b) The citizens of Camp Verde (c) other Board, Commission or Committee members?			
(a) Effectively communicate with the Town Council; define and establish guidelines/budget/repairs needed			
(b) Coordinate and work with the citizens of Camp Verde to inform the public and to utilize town facilities			
(c) Develop, prepare and propose policies for the community parks system, working with all concerned.			



Name: <u>ED MEZULIS</u>		Date: <u>January 5, 2009</u>	
Home Address: <u>4451 CAUGHRAN RD CAMP VERDE</u>			
Mailing Address, if different:			
Email Address: <u>edmezulis@hotmail.com</u>			
Home Telephone: <u>567-3420</u>		Work Telephone: <u>301-1138</u>	
Are you a resident of the Town of Camp Verde? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Do you own commercial property in the Town of Camp Verde <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Length of residency in the Town of Camp Verde: <u>2.5 years</u>		Do you operate a business in Camp Verde? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Name and address of business (if applicable): <div style="border: 1px solid black; height: 15px; width: 100%;"></div>			
If you are not in business in The Town of Camp Verde, please list your occupation; or if retired, please indicate your former occupation or profession: <u>FIREFIGHTER</u>			
Are you now serving, or have you ever served, on a Town of Camp Verde board or commission? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please list names of board/commission and dates served:			
Board & Commission preference (s): Refer to the last page for a list of Boards & Commissions. List your choices in order of preference:			
1. <u>TRAILS AND PATHWAYS</u>		3. <u>BOARD OF ADJUSTMENT & APPEALS</u>	
2. <u>PLANNING + ZONING</u>		4.	
Education and Community Service			
Schools Attended:	Degree:	Year:	
<u>BELLEUE UNIVERSITY</u>	<u>BA</u>	<u>2007</u>	
<u>COCONINO COMMUNITY COLLEGE</u>	<u>AAS</u>	<u>2003</u>	
Civic Activities-Service Organizations	Office Held:	Year Begun:	Year Ended:
<u>Foundation for Burns + Trauma</u>	<u>Fundraising ^{summer} camp staff</u>	<u>2001</u>	<u>2008 (Present)</u>
<u>International Assoc. of Firefighters</u>	<u>L-3690 V.P</u>	<u>2005</u>	<u>2008 (Present)</u>
Please state why you would like to be appointed to a Town Board, Commission, or Committee: <u>I want to get more involved with my community.</u>			
What do you believe is the key responsibility of Board, Commission or Committee member to: (a) The Town Council, (b) The citizens of Camp Verde (c) other Board, Commission or Committee members?			
(a)	<u>To be an advocate for the citizens of the town</u>		
(b)	<u>To preserve what makes Camp Verde unique</u>		
(c)	<u>To assist the Council in guiding smart growth</u>		

Please state the reasons why you feel you are qualified to serve on a Board, Commission or Committee:

I am an avid outdoorsman and appreciate the opportunity I have to live in such a beautiful area. I currently as a union representative sit on many committees that are charged with budgetary and fiscal planning. I am a strong believer in community service.

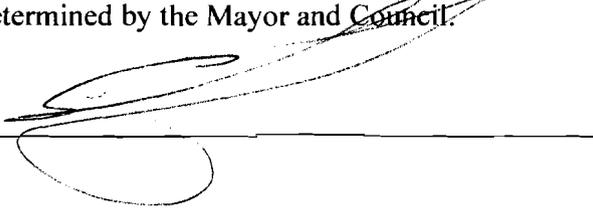
Applications are kept on file for two years. During that time, your application will be considered when there is an opening for the Board or Commission for which you have applied. As a candidate to a Board, Commission or Committee, your name, address and telephone number will be available to the media and public.

Please notify the Clerk's Office at (928) 567-6631, extension 100 if you move or no longer wish to be considered for appointment.

If you have a current resume and/or certificate that may be applicable to your Board, Commission or Committee interest, please attach a copy to this application.

Mail or deliver your completed application to: Town of Camp Verde, Attn: Clerk's Office, 473 S. Main Street, Camp Verde, AZ 86322.

If appointed to a Board/Commission/Committee, I understand that Members of boards or commissions may be removed for cause including excessive lack of attendance, absences of three consecutive meetings or more than half of all scheduled meetings in any municipal year, or improper conduct as determined by the Mayor and Council.

Applicant's Signature:  Date: 1/5/09

	Date:
Date Contacted & Invited to Appear before Council:	
Staff Contacting Individual	
Date Appointed by Council	
Board or Commission appointed to:	

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: March 4, 2009

Meeting Type: Regular

Type of Presentation: Verbal

AGENDA TITLE: Discussion, consideration, and possible approval of an agreement between Donald E. Zelechowski, a Certified Public Accountant, and the Town of Camp Verde for a tax payer education program designed to increase compliance with our tax program, as well as, for sales tax audit services that would verify 'privilege' tax (Privilege Sales Tax) reporting and payments to the degree that said audits are required. (Staff Resource: Michael K. Scannell).

PURPOSE AND BACKGROUND INFORMATION:

On January 20th and 21st, 2009 the Camp Verde Chamber and Yavapai College hosted an educational forum on Supplementary Local Audit Procedures and on how local audit procedures could help our Town.

In addition, on February 4, 2009, the Town Council unanimously approved attached Resolution 2009-760 (declaring a public record) and adopted attached Ordinance 2009-A356 with respect to the Privilege License Tax, adopting the "Supplementary Local Audit Procedures for the Town Tax Code of the Town of Camp Verde, Arizona" and by reference, amending Article V -Administration of the Town Tax Code and Regulation 8-555.1

Approving the consultant's contract is the next procedural step to inform taxpayers of their requirements and the proper way to report income, as well as, the review of records to ensure taxpayer compliance with the Town's sales tax requirements in order to enhance privilege tax collections. All of the processes captioned above would be at the direction of staff.

STAFF RECOMMENDATION(S): Authorize the Town Manager to execute the agreement between Donald E. Zelechowski, a Certified Public Accountant, and the Town of Camp Verde for a tax payer education program designed to increase compliance with our tax program, as well as, for sales tax audit services that would verify 'privilege' tax (Privilege Sales Tax) reporting and payments to the degree that said audits are required.

Finance Director Review

Budgeted/Amount Yes -see note below No N/A

In a prior March 4, 2009 agenda item a budget appropriation was requested. If that budget appropriation was approved, then this is a budgeted item.

Fund: 01-20-13 Line Item: 7100

Finance Dept. - Contract Labor

Comments:

Attorney Review Yes X No N/A

Submitting Department: Administration/Manager

Contact Town Manager Michael K. Scannell: Signature 

Consultant Agreement

For Professional Services
To
Conduct Supplementary Local Audit
Between the Town of Camp Verde
Camp Verde, Arizona
and
Donald E. Zelechowski, CPA
Specialist – Model Tax Code

This CONSULTANT AGREEMENT (“Agreement”) is by and between Donald E. Zelechowski, a Certified Public Accountant specializing in tax payer education program and privilege tax audits (“Consultant”) and the Town of Camp Verde, a municipal corporation (“Town”) and is awarded pursuant to Procurement #09-059

This Agreement is made and entered into on the _____ day of _____, 2009, and is for professional services as outlined below. The parties agree as follows:

Section I. Period of Service

The term of this Agreement shall be for one year commencing on the date that the Town Council approves this Agreement and continuing until the _____ day of _____, 2010 unless terminated sooner by the parties, pursuant to Section V. below. This agreement may be extended for one (1) additional year upon approval of the parties under the same terms and conditions.

Section II. Compensation

For services rendered by consultant for the Town of Camp Verde to enhance the community’s compliance with the Town’s privilege sales tax and to conduct audits to the degree required. The Town and Consultant shall mutually agree upon the specific work product, scope of services and cost of any work performed. No work by Consultant shall be performed unless directed to do so in writing by Town Manager Michael K. Scannell (“Town Manager”). The rates the Consultant will be paid for professional services are set forth in Exhibit “A” attached herewith and incorporated herein by reference.

Section III. Billing

Consultant shall provide Consultant services to the Town, based on the written needs of the Town as set forth in Exhibit “A” attached herewith and incorporated herein by reference, but only as directed pursuant to Section II. The Town shall pay Consultant, monthly, based upon work performed and completion to date and submission of invoices.

Section IV. Scope of Services

Consultant is being retained to provide professional services to the Town for those services more particularly described in the Scope of Work as set forth in Exhibit “A” attached herewith and incorporated herein by reference. Consultant shall not commence any work at any time unless directed to do so in writing by the Town Manager.

Section V. Termination

The Town reserves the right to cancel the whole or part of this Agreement due to failure by Consultant to perform under this Agreement. However, in the event that this Agreement is terminated, for any reason, the Town shall pay Consultant in full for all services already rendered, exclusive of any markup for profit or expected compensation following such termination, and all future obligations under this Agreement shall cease. This Agreement is subject to termination pursuant to A.R.S. § 38-511.

Either party for any reason may cancel this contract by giving notice of cancellation in writing to the other party sixty (60) days prior to the effective date of cancellation.

Section VI. Successors and Assigns

Neither this Agreement, nor any obligation of Consultant hereunder, shall be assigned in whole or in part by Consultant without the prior written consent of the Town.

Section VII. Waiver and Severability

A waiver of any part of this Agreement, whether express or by conduct, shall not constitute a continuing waiver of such part (unless explicitly stated to be so), or a waiver of any other part, nor shall a waiver of any breach of this Agreement, or any part of it, whether express or by conduct, constitute a waiver of any succeeding breach. The provisions of this Agreement shall be severable such that if any provision shall be deemed to be invalid and unenforceable for any reason, such invalidity or unenforceability shall not affect the remaining provisions hereof.

Section VIII. Whole Agreement

This Agreement, represent the parties' whole Agreement. There are no other promises, terms, conditions or obligations, and this Agreement shall supersede all previous communications, representations or agreements, either verbal or written.

Section IX. Professional Liability Insurance

The Consultant agrees to procure and maintain, at Consultant's sole expense, and to provide the following:

1. Certificate of Insurance (COI) for a General Liability Insurance Policy with a limit of at least \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate against claims for bodily injury, death and property damage and names the Town of Camp Verde, AZ as an additional insured in connection with the consulting services as provided herein.
2. Certificate of Insurance showing workers' compensation coverage.
3. The Consultant shall keep said policies in force for the duration of the Agreement, and for any possible extension thereof.
4. All COI's captioned above and the fully executed said Agreement shall be returned simultaneously to the Town. Upon the Town's receipt of all the aforementioned documents the Agreement will be considered fully executed.
5. The Consultant's liability under this Agreement is not in any way limited by the insurance required by this Agreement.

Section X. Indemnity

The Consultant agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Town, its elected officials, officers, directors and employees (collectively, the "Indemnified Parties") against all damages, liabilities or costs, including reasonable attorneys' fees and defense costs, to the extent caused by the Consultant's negligent performance of professional services under this Agreement or willful misconduct.

Section XI. Compliance with Federal and State Laws

The Consultant understands and acknowledges the applicability to it of the Americans with Disabilities Act, the Immigration Reform and Control Act of 1986 and the Drug Free Workplace Act of 1989. Under the provisions of A.R.S. §41-4401, Consultant hereby warrants to the Town that the Consultant will comply with, and are contractually obligated to comply with, all Federal Immigrations laws and regulations that relate to their employees and A.R.S. §23-214(A) (hereinafter “Consultant Immigration Warranty”).

A breach of the Consultant Immigration Warranty shall constitute a material breach of the Agreement and shall subject the Consultant to penalties up to and including terminations of this Agreement at the sole discretion of the Town.

The Town retains the legal right to inspect the papers of any Consultant or subcontracted employees who work under this Agreement to ensure that the Consultant and his staff are complying with the Consultant Immigration Warranty. Consultant agrees to assist the Town in regard to any such inspections.

The Town may, at its sole discretion, conduct random verification of the employment records of the Consultant to ensure compliance with Consultant’s Immigration Warranty. Consultant agrees to assist the Town in regard to any random verifications performed.

Neither the Consultant nor his staff shall be deemed to have materially breached the Consultant Immigration Warranty if the Consultant establishes that he has complied with the employment verification provisions prescribed by sections 274A and 274B of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. §23-214, Subsection A.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, this ___ day of _____, 2009.

APPROVED AS TO FORM:

Town of Camp Verde:

Town Attorney

By: _____
Tony Gioia, Mayor
Date: _____

By: _____
Donald E. Zelechowski, CPA, Consultant:
Date: _____

ATTEST:

The Mayor and Council approved this contract for execution at the regular session of _____

Town Clerk

The contract was reviewed and delivered, as signed by the Town, to the Consultant on _____

_____ 2009 by _____

Exhibit A

The services proposed include the development of an educational program and performance of privilege tax audits of taxpayers that conduct business within the community and for other services as may be required.

For all services rendered by Consultant in a professional manner will be charged at a rate of \$45.00 per hour of services provided. Charges for service include all activities related in the services enumerated below:

Either party for any reason may cancel this contract by giving notice of cancellation in writing to the other party sixty (60) days prior to the effective date of cancellation.

Scope of Work (Consultant's Responsibility)

1. Develop tax payer education program designed to increase compliance with our tax program.
2. To perform all audits in a professional manner.
3. To be available to answer privilege tax questions and to provide information to staff and businesses.
4. To provide transportation to and from audit site within the state of Arizona.
5. To provide equipment and supplies necessary to complete the audits.
6. Audits must be performed within the legal boundaries of the state of Arizona and shall not include out of state trips. Taxpayers located out of state may be audited via records provided by the taxpayer through the mail. Out of state trips will be performed only if the records cannot be provided by the taxpayer through the mail. The Town of Camp Verde shall reimburse any reasonable travel expense incurred during out of state audits, but only with the prior written approval of the Town Manager. Such costs would include travel expenses and room and board for the duration of the audit fieldwork. The Town of Camp Verde must approve all out of state audits and related expenses before the audit is conducted.
7. All audits, taxpayer financial information, and other related information is confidential between the taxpayer, auditor, and those designated staff members of the Town of Camp Verde, as per the Tax Code.

Intent of Parties

Both parties intend and agree that services provided shall be rendered as an independent contractor and not as an employee. Auditor shall not receive any employee related benefits and shall retain full professional and administrative discretion in the conduct of any audit, except that the Town of Camp Verde shall retain the right to approve what taxpayer is to be audited, prior to the commencement of any audit.



**AMENDED
ORDINANCE 2008A 354 A**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF
THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA
AMENDING SECTION 118 OF THE ZONING ORDINANCE TO DEFINE A-FRAME
SIGNS, ADD EXCEPTIONS FOR PROJECTING SIGNS AND A-FRAME SIGNS
INTO THE RIGHT OF WAY FOR BUSINESSES ALONG MAIN STREET UNDER
PROHIBITED SIGNS, AND DEFINE THE CRITERIA UNDER WHICH
PROJECTING SIGNS MAY BE USED UNDER
BUSINESS/COMMERCIAL/INDUSTRIAL SIGNS.**

WHEREAS, the Town of Camp Verde adopted the Planning and Zoning Ordinance in Ordinance 87 A23, approved July 9, 1987, and

WHEREAS, Section 113 of the Planning and Zoning Ordinance allows for the amendment, supplement or change of zoning text regulations of the Planning and Zoning Ordinance by the Town Council, and

WHEREAS, the Town Council has an abiding interest in protecting the public health safety and welfare by establishing requirements for provisions of the Planning and Zoning Ordinance by including definitions.

**NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COMMON
COUNCIL OF THE TOWN OF CAMP VERDE AS FOLLOWS:**

Section 1. Section 118 of the Zoning Code is hereby amended as the following:

**SECTION 118
SIGN ORDINANCE**

III. DEFINITIONS

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"A-Frame sign" describes a portable sign, also referred to as a "sandwich board" sign, comprised of two separate panels or faces

typically joined at the top with a hinge and widened at the bottom to form a shape similar to the letter "A".

IV PROHIBITED SIGNS

- A. Notwithstanding any other provisions of this ordinance, the types of signs listed below are prohibited in the Town of Camp Verde.
1. Unlawful to park a vehicle for the purpose of advertising.
 2. Signs located within, on or projecting over any public right-of-way except for businesses immediately adjacent and fronting the right of way of Main Street from Arnold Street to General Crook Trail.
 3. Signs located on a roof or those that do not create a parapet or a parapet wall as defined.
 4. Any sign which interferes with or confuses traffic or represents a traffic hazard, and those which imitate or resemble official traffic or government signs or signals.
 5. Signs with flashing or intermittent illumination and those illuminated of such brilliance or position as to blind or dazzle the vision of travelers. (This does not include Christmas lights, during the Xmas season: 11/01-1/15).
 6. An animated sign or a sign that is moving, rotating, or audible in any manner.
 7. Automatic changing signs unless they promote the time and temperature. Only such signs shall change at intervals of three seconds or more.
 8. No sign shall be painted on or affixed to any natural object in its natural location such as a boulder, tree or cliff face.
 9. Abandoned, dangerous, or defective signs.
 10. Signs erected, placed, constructed, or maintained in violation of this ordinance.
 11. Signs which are misleading, erroneous, or provide false information and advertising, words or picture which are obscene or indecent.
 12. A-Frame signs located within the Town Limits.
 - a. Exception: Temporary use to advertise Town sponsored events or approved Community – Wide Events.
 - b. Exception: A-Frame signs are permissible along Main Street between Arnold Street and General Crook Trail during regular business hours.
 - 1) Only one sign per business will be allowed.
 - 2) Maximum size of the A-Frame sign will be 2 foot wide by 3 foot high.

- 3) An Administrative Design Review for all signs shall be required per Section 124 of the Planning and Zoning Ordinance.
- 4) The Applicant shall sign an Indemnity Agreement as provided by the Town of Camp Verde, indemnifying the Town of Camp Verde from any and all claims arising from the placement of the A-Frame sign and releasing the Town of Camp Verde from any liability arising from the placement of the A-Frame sign.

IX BUSINESS/COMMERCIAL/INDUSTRIAL SIGNS

- A. Wall signs affixed to buildings in Commercial zoning districts are allowed subject to the following:

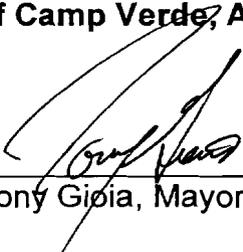
5. Businesses that are immediately adjacent to the right of way on Main Street from Arnold Street to General Crook Trail, may have a projecting sign over the right of way that does not exceed twelve (12) square feet per side, does not project out from the building more than six (6) feet, and does not project above the store front height of the building.
 - a. The distance between top of sidewalk to the bottom of the sign shall be a minimum of 10 feet.
 - b. Only one sign is allowed per business.
 - c. The applicant shall sign an Indemnity Agreement as provided by the Town of Camp Verde, indemnifying the Town of Camp Verde from any and all claims arising from the placement of the projecting sign and releasing the Town of Camp Verde from any liability arising from the placement of the projecting sign.
 - d. An administrative design review for signs shall be required per section 124 of the Planning and Zoning Ordinance.
 - e. All projecting signs must have a western appearance that has a comfortable simplicity and meet the criteria as set forth in the Town of Camp Verde Design Review Section of the Planning & Zoning Ordinance, section 124. Corporate logos are allowed.
 - f. No internally illuminated signage will be allowed.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference, are hereby repealed, effective as of the effective date of this ordinance.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. This ordinance is effective upon completion of publication and any posting as required by law.

PASSED AND APPROVED by a majority vote of the Town Council of the Town of Camp Verde, Arizona on this 17TH day of December 2008.



Tony Gioia, Mayor

Date 1/16/09

Approved as to form:

Attest: 

Deborah Barber, Town Clerk



Town Attorney

noted that it has always been the Town's policy to require insurance and she did not know when this requirement lapsed, but if it had, it was against Council policy. She also advised that cities and Towns throughout the State are canceling events and that if we put on an event without vendors, people would never come back.

Tom Pitts, President of the Jerome Chamber of Commerce, assured Council that this event was a keystone event for the Verde Valley and he offered his assistance with event planning and advertising and working with the Verde Valley Wine Consortium.

Steve Goetting, Parks Commission, stressed that the Town needs to keep up with the community advisory meetings to get input. He said that the Town should reimburse the wineries because they should not have to bear the expense of giving away their wine, noting that the wineries are not charities either. He asked for more detailed budget information so there could be a true picture of the economic impact that the events actually have on the Town's economy. He said that he encouraged corporate sponsorship and the banner ads on the street.

Jim Ellington, Parks & Rec Commission, thanked Moore for bringing this matter to their attention. He said it is better to have a positive event, noting that in the past, the only memory was how much it cost the Town. He said that because of that, the Commission changed their focus from tourism to community events. He suggested that the merchants take over the tourist focused events.

Dick Tullin, pecan grower, said that he was surprised that there were no organizational meetings in December as there were in the past. He said that he travels throughout Arizona and he is always asked about the Pecan and Wine Festival. He said that these people come to our Town and buy 500 tanks of gas that brings \$20,000 into the Town. He said that he buys pecans and hires people, and that is also a shot in the arm of the economy. He said that he would like to see the multiplier because this event has to bring in hundreds of thousands of dollars into the Town.

Linda Buchanan, Chamber of Commerce & Housing Commission, said that it was too late to cancel the event, as people had already planned and the Chamber had already advertised. She said that this event was impacted because Council had reduced the participation from Commissions, noting that they had pulled the rug out from under the Mule Show and Corn Festival. She said that the Chamber had a contractual obligation with the Town and it was too late to cancel now. She suggested that staff had already made the decision.

Howard Parrish, warned that the event would be lost if it were cancelled and he suggested that Council waive the fees.

Tracy Schimikowsky, Chamber of Commerce, advised that they had sent out a general release to 750 media contacts advertising the event and she hoped that it would not be cancelled. She advised that it had been advertised as a Valentine Weekend getaway.

There was no other public input.

Item #5 was heard prior to Item #4 to accommodate the attorney that was present by telephone for an executive session for legal advice. The meeting was recessed at 4:47 p.m. and called to order at 6:14 p.m. Mayor Gioia read the following item aloud.

- * 4. Possible approval of either Ordinance 2008-A354-A, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Section 118 of the Zoning Ordinance to define A-Frame Signs, add exceptions for the projecting signs and A-Frame signs into the Right-of-Way for businesses along Main Street under Prohibited Signs, and define the criteria

*

under which projecting signs may be used under Business/Commercial/Industrial Signs OR Ordinance 2009-A359, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Section 118 of the Zoning Ordinance to define A-Frame Signs, add exceptions for projecting signs into the Right-of-Way for businesses along Main Street under Prohibited Signs, and define the criteria under which projecting signs may be used under Business/Commercial/Industrial signs. (Staff Resource: Nancy Buckel)

On a motion by Smith, seconded by Kovacovich, the Council voted, 5-1 to reaffirm, Ordinance 2008-A-354.A, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Section 118 of the Zoning Ordinance to define A-Frame Signs, add exceptions for the projecting signs and A-Frame signs into the Right-of-Way for businesses along Main Street under Prohibited Signs, and define the criteria under which projecting signs may be used under Business/Commercial/Industrial Signs with Garrison voting no.

Buckle advised that she brought this item before Council because the minutes indicated that Council approved the ordinance based on the Planning & Zoning Commission's recommendation. She advised that the Commission had not recommended approval and she wanted to make sure that Council understood that.

Public Input

P&Z Commission Member and Mayoral Candidate **Bob Burnside** questioned how many merchants would be helped by the language in the ordinance.

Jackie Baker said that reaffirming the ordinance is a start, but more needed to be done.

There was no other public input.

- 5. Review, discussion, consideration, and possible approval of the Development/ Settlement Agreement among the Town of Camp Verde, California Hotwood, Inc., and business entities and affiliates related to the Zellner family.** Note: Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(3) for discussion or consultation with the attorney for legal advice and §38-431.03(A)(4) for discussion or consultation with the attorney in order to consider Council's position regarding contracts that are the subject of negotiation, in pending or contemplated litigation or in settlement discussions in order to avoid or resolve litigation (Staff Resource: Town Attorney)

Mayor Gioia read the item aloud. On a motion by German, seconded by Hauser, the Council voted unanimously to hear this item in executive session for legal advice. The meeting was recessed at 4:47 p.m. and reconvened at 6:14 p.m.

- 5a. DISCUSSION, CONSIDERATION, AND POSSIBLE DIRECTION TO STAFF RELATIVE TO THE REAL PROPERTY IDENTIFIED AS A VACANT .36 ACRES PARCEL OF THE NORTHERN BOUNDARY OF THE COMMUNITY PARKLAND.** Note: Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(3) for discussion or consultation with the attorney for legal advice and §38-431.03(A)(7) for discussion or consultation with designated representative(s) in order to consider Council's position and instruct its representative(s) regarding negotiations for the purchase, sale or lease of real property. (Staff Resource: Michael Scannell)

Councilor German declared a conflict and left the meeting at 6:42 p.m. Mayor Gioia read the agenda item aloud. On a motion by Hauser, seconded by Kovacovich, the Council voted to hear this item in executive session. The meeting was recessed at 6:43 p.m. and reconvened at 7:00 p.m.

Mayor Gioia announced that the Council directed staff to proceed with the auction with no minimum bid requirement, with Council retaining the right to reject any and all bids.

There was no public input.



9. **Discussion, consideration, and possible approval of Ordinance 2008-A354A (amending Ordinance 2008-A354 approved on October 22, 2008, but not processed based on attorney advice) an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Section 118 of the Zoning Ordinance to define A-frame signs, add exceptions for projecting signs and A-Frame signs into the right-of-way for businesses and Main Street under Prohibited Signs, and define the criteria under which projecting signs may be used under Business/Commercial/Industrial signs. (Staff Resource: Nancy Buckel)**
On a motion by German, seconded by Gioia, the Council voted 5-1 to approve Ordinance 2008-A354A as proposed by the Planning & Zoning Commission, with the changes made by insertion of "events" in Paragraph 12.a. on Page 2, and "side" in Paragraph A.5 on Page 3, with a 'no' vote by Garrison.

Staff was directed to work with the Planning & Zoning Commission to start moving forward on creating the Overlay Zone.

STAFF PRESENTATION

Sr. Planner Mike Jenkins explained that at the Council's public hearing on October 22, 2008, regarding allowing projected signs, language was added to also allow A-frame signs. This necessitated a further public hearing by the Planning & Zoning Commission, resulting in a recommendation to Council to approve the changes discussed, including the suggestion to reconsider Ordinance 2008A-354 dated October 22, 2008, in its original form, with the addition of two words, and to suggest that business owners along Main Street apply for variances to display A-frame signs until such time as an Overlay Zone is created that addresses the special conditions present along Main Street.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Ramona Aldridge questioned whether the reference to applying for a variance pertained to only one sign per business. (Jenkins confirmed that it referred to an A-frame or similar sign.)

Bob Burnside stated, for clarification only, that the ordinance in the agenda packet does not reflect a copy of what the staff and the P&Z Commission had recommended; it is a copy of what Council proposed at its last meeting.

Mr. Burnside's comment was followed by a discussion and review of the two words that had been added to the October 22, 2008 proposed ordinance. The issue of including a specific time period to allow A-frame signs was also discussed, as well as the suggestion to allow them through a variance procedure. Jenkins confirmed the steps and time involved in applying for a variance, and that each business owner would have to separately apply. There was also the suggestion that perhaps the Town Attorney could determine a process whereby a group could apply for a variance initially, with subsequent applications made on an individual basis. Jenkins reiterated the recommendation to Council made by the P&Z Commission that was intended to accomplish in the easiest and fastest way what Council wanted, namely, the variance procedure, and the subsequent creation of an Overlay Zone.

FURTHER PUBLIC INPUT

(Comments from the following individuals are summarized.)

Linda Buchanan suggested that the person being assigned to re-write Code might address this issue as a top priority, to find a simple solution.

Perry Haddon said that as he recalls, Councilor Smith said that in essence all of these rules did not apply to Main Street; furthermore, he heard nothing about any timeframe, the problem will never go away.

Jackie Baker described her past experience working on the A-frame signs issue; if an ordinance change is required, that should be done to get it over with in order to help our businesses.

Bob Burnside said that he understands that when Camp Verde created its historical district, the 15 parcels that were acquired for the road were allowed as non-conforming uses and were issued encroachment permits forever. The original outcry objecting to A-frame signs did not include Main Street.

Howard Parish commented that he remembers that at several of the meetings there was no reference to any time limit imposed, only "until times got better than they are now."

There was no further public input.

* During further discussion by the Council on the issues raised, including creation of an Overlay Zone, Jenkins called the attention of the Council to Item 12 of the proposed Ordinance that allows an exception to allow A-frame signs along Main Street between Arnold Street and General Crook Trail during regular business hours. The variance procedure that had been recommended was apparently unnecessary, the proposed Ordinance would allow A-frame signs along Main Street, and based on that understanding, the Council took action to adopt Ordinance 2008-A354A as recommended by the P&Z Commission.

10. **Presentation, discussion and possible direction to staff concerning the encroachment of a garage owned by Aileen Smart onto the Town's property located on Basham Circle.** (Staff Resource: Nancy Buckel)
Staff was directed to inform the Town Attorney of the Town's intent to enforce compliance and request his advice regarding the Town's rights and available law.

Sr. Planner Jenkins reviewed the background of the encroachment, the negotiations with the property owner, accommodations made by the Town to assist her, and her agreement to remove a portion of the encroaching building from the Town's property. The property owner now has advised that she does not intend to follow through with removing the encroaching portion of the building since she no longer has the funds to do so.

The Council discussed with Jenkins the history of the construction of the original building, the acquisition of the property owned by the Town and the determination that an encroachment existed, the cooperation with the property owner, her commitment to bring the building into compliance, and her subsequent refusal to do so. Jenkins said he understands that government is exempt from adverse possession, and suggested that the Town Attorney might be able to help.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Jackie Baker reviewed her memory of addressing the subject problem a few years back, suggesting that the Town may not have owned the property at the time the garage was built.

Debbie Roulette said that the Town could either give the property to her or give it to the attorney.

Pete Roulette said that she did not mean to give the property, she meant give her the money to have the building renovated, or to the attorney to figure out what to do.

There was no further public input.

11. **Discussion, consideration, and possible direction to staff relative to the requirement for vendors of Special Events to provide a certificate of insurance for General Liability of at \$1,000,000 per occurrence and \$1,000,000 aggregate, naming the Town of Camp Verde as additional insured.** (Staff Resource: Lynda Moore)
On a motion by German, seconded by Garrison, the Council voted unanimously to continue to require vendors to provide a certificate of insurance for General Liability for at least \$1,000,000 per occurrence and \$1,000,000 aggregate, naming the Town of Camp Verde as additional insured.

Parks & Recreation Director Lynda Moore explained that the Town's insurance representative had found that the Town was lacking in requiring vendors to provide liability insurance, and he had strongly recommended that this should be corrected. Moore said that vendors are objecting to that requirement; she has also confirmed that other communities require that insurance. Moore added that she also tries to inform vendors in advance of the need for insurance, and has recommended sources they might use to obtain it fairly inexpensively.

PUBLIC INPUT

(Comments from the following individual are summarized.)

Jackie Baker had other suggestions for insurance coverage available to the vendors at inexpensive prices.

There was no further public input.

12. **Discussion, consideration, and possible appropriation of \$100,000 from the CIP Fund to the Parks Fund and direction to staff to begin Request for Proposal process to engage a consultant to complete design work for initial projects for the Community Park.** (Staff Resource: Michael Scannell)
On a motion by Hauser, seconded by Garrison, the Council unanimously approved the appropriation of no more than

#10

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: February 18, 2009 3-4-09

Meeting Type: Regular Session

Type of Presentation:

REFERENCE DOCUMENT:

Parks Admin. Position

AGENDA TITLE: (Be Exact):

Discussion, consideration and possible authorization for staff to fill the position of Parks Administrative Assistant/Events Coordinator.

PURPOSE AND BACKGROUND INFORMATION:

This position is the primary administrative support for Parks & Rec., Maintenance and Janitorial and also serves as the events coordinator. The Parks Admin. Assistant also serves as the recording secretary for the Trails and Pathways Commission. Although many of the events have been cut, we have replaced them with local, family events and activities.

STAFF RECOMMENDATION(S): (Suggested Motion)

Authorize staff to fill the position of Parks Administrative Assistant/Events Coordinator

Type of Document Needing Approval:

Finance Director Review

Budgeted/Amount _____

Attorney Review Yes No

Attorney Comments _____

Fund: _____

Line Item: _____

Submitting Department: Parks & Recreation

Contact Person: Lynda Moore

Town Manager/Designee: _____

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: 2-18-09 3-4-09

Meeting Type: Regular

Type of Presentation: Verbal

REFERENCE DOCUMENT: SECTION 108 D ANIMALS

AGENDA TITLE: Presentation and Possible Reconsideration of Council's decision to have Town Staff enforce the Town's regulations concerning the youth livestock project activity for 2009 based on new information submitted to staff by the FFA advisors.

PURPOSE AND BACKGROUND INFORMATION: At the Council's meeting of 1-21-09, the Council directed staff to enforce the livestock regulations for youth livestock activity for the year of 2009 based on submittal by the FFA advisor to accept the authority by the deadline outlined in Section 108 D.5. After the Council meeting, Mr. Cody Carter came to the Community Development office and submitted three letters and a complete list of members and their projects detailing the difficulty in communicating with staff. He also provided a letter each from him and Ms. Mulcaire indicating their willingness to accept enforcement authority over the youth livestock activity for 2009.

It appears that there were several communication problems experienced by the Advisors. First, the Community Development Director never received a letter e-mailed in August advising the Town that Mr. Carter was willing to accept the responsibility of enforcing the livestock regulations on his FFA students. Secondly, a link to our Section 108D. regulations from the FFA website took the members and their parents to a historic document that was embedded in our website that had the code language that has since been amended. This resulted in no one knowing they had to apply for a youth permit from the Town. This has been resolved by Town staff and the historic language has been removed. The third problem experienced by the youth group is that sign up for the AL program under the direction of Ms. Mulcaire does not conclude until the first week in February. Finally, we have identified some issues with the new language that is not clear and open to various interpretations that needs to be clarified. One such issue is the one discussed with Council on the 21st of January on the issue of additional swine allowance.

Staff has met with the advisors twice since the Council meeting and has outlined a procedure and timeline for resolution of any zoning complaint received. Staff will be e-mailing a scanned copy of the complaint form and property information map from the Yavapai County with the zoning, setbacks and property size noted on it. A site visit will be made within 5 days and a report submitted to the Code Enforcement Official. Resolution of any existing issue must be completed within 10 days and verified in a report to be sent to the Town. Our communication will all be done by phone and/or e-mail. The new e-mail addresses have been tested and are working. Staff and advisors will be working on an amendment to Section 108 D. to clarify the problems outlined in this report shortly so that in the fall no further miscommunication will occur. The only remaining requirement that is outlined in the regulations that have not been met is the installation of the signs with attached stickers to indicate the year and type and number of projects being conducted on property. The advisors are working on obtaining the signs and staff is working on creating the stickers from the submitted list.

STAFF RECOMMENDATION(S): Because this is a new regulation that has an impact on the youth livestock projects of our community, staff is recommending Council re-consider their decision and allow the FFA advisors to proceed with the enforcement of our regulations for 2009.

Type of Document Needing Approval:

Submitting Department: Planning Zoning

Contact Person: Nancy Buckel

2

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: March 4, 2009

Meeting Type: Regular Session

Type of Presentation: Verbal

REFERENCE DOCUMENT:

Fiscal Year 2008-2009 Budget

AGENDA TITLE: (Be Exact):

Presentation of the financial status of the Town followed by discussion, consideration, and possible direction to staff regarding actions to take to ensure that expenditures are kept within the revenues collected for the remainder of the 2008-2009 fiscal year.

PURPOSE AND BACKGROUND INFORMATION:

On November 19, 2008, Staff presented to Council a financial update detailing the revenue shortages projected through the end of the 2008-2009 fiscal year along with a listing of proposed expenditure adjustments to bring expenditures in line with expected revenues.

Staff is continuing to monitor the revenues and expenditures of the Town along with projecting these items through fiscal year end. The attached report details the updated projections through the end of the 2008-2009 fiscal year.

STAFF RECOMMENDATION(S): (Suggested Motion)

Acceptance of financial update report.

Type of Document Needing Approval:

N/A

Finance Director Review

Budgeted/Amount

Attorney Review Yes No

Attorney Comments _____

Fund:

Submitting Department: Finance

Line Item:

Contact Person: Michael Scannell, Town Mgr

Town Manager/Designee:

#13

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date:

Meeting Type:

Type of Presentation:

REFERENCE DOCUMENT:

AGENDA TITLE: (Be Exact):

PURPOSE AND BACKGROUND INFORMATION:

STAFF RECOMMENDATION(S): (Suggested Motion)

Type of Document Needing Approval:

Finance Director Review

Budgeted/Amount

Attorney Review Yes No

Attorney Comments

Fund:

Line Item:

Submitting Department:

Contact Person:

Town Manager/Designee:

#14

Ron Smith



ORDINANCE 2006-A328

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL
OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA,
RELATING TO THE PRIVILEGE LICENSE TAX; ADOPTING "THE 2006 AMENDMENTS TO THE
TAX CODE OF THE TOWN OF CAMP VERDE" BY REFERENCE; ESTABLISHING AN EFFECTIVE
DATE; PROVIDING FOR SEVERABILITY AND PROVIDING PENALTIES FOR VIOLATIONS.**

NOW, THEREFORE, be it ordained by the Mayor and Common Council of the Town of Camp Verde that:

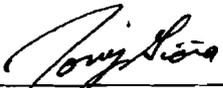
Section 1: That certain document known as "The 2006 Amendments to the Tax Code of the Town of Camp Verde," three copies of which are on file in the office of the Town Clerk of the Town of Camp Verde, Arizona, which document was made a public record by Resolution No. 2006-688 of the Town of Camp Verde, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

Section 2: The provisions of this ordinance and the public record adopted herein are effective from and after July 1, 2006.

Section 3: Any person found guilty of violating any provision of these amendments to the Tax Code shall be guilty of a class one misdemeanor. Each day that a violation continues shall be a separate offense punishable as herein above described.

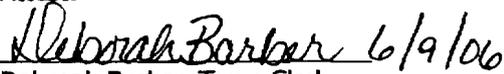
Section 4: If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the Tax Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED in open meeting by the Mayor and Town Council of the Town of Camp Verde, Arizona, on the 7th day of June 2006.

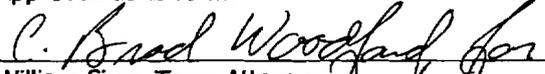


Tony Gioia, Mayor

Date: 6/08/06

Attest:


Deborah Barber, Town Clerk

Approved as to form:


William Sims, Town Attorney

**2006 AMENDMENTS TO THE
TAX CODE OF THE TOWN OF CAMP VERDE**

Section 1. Section 8-445 of the Tax Code of the Town of Camp Verde is amended to read:

Sec. 8-445. Rental, leasing, and licensing for use of real property.

- (a) The tax rate shall be at an amount equal to two percent (2%) of the gross income from the business activity upon every person engaging or continuing in the business of leasing or renting real property located within the Town for a consideration, to the tenant in actual possession, or the licensing for use of real property to the final licensee located within the Town for a consideration including any improvements, rights, or interest in such property; provided further that:
 - (1) Payments made by the lessee to, or on behalf of, the lessor for property taxes, repairs, or improvements are considered to be part of the taxable gross income.
 - (2) Charges for such items as telecommunications, utilities, pet fees, or maintenance are considered to be part of the taxable gross income.
 - (3) However, if the lessor engages in telecommunication activity, as evidenced by installing individual metering equipment and by billing each tenant based upon actual usage, such activity is taxable under Section 8-470.
- (b) If individual utility meters have been installed for each tenant and the lessor separately charges each single tenant for the exact billing from the utility company, such charges are exempt.
- (c) Charges by a qualifying hospital, qualifying community health center or a qualifying health care organization to patients of such facilities for use of rooms or other real property during the course of their treatment by such facilities are exempt.
- (d) Charges for joint pole usage by a person engaged in the business of providing or furnishing utility or telecommunication services to another person engaged in the business of providing or furnishing utility or telecommunication services are exempt from the tax imposed by this Section.
- (e) (Reserved)
- (f) A person who has less than three (3) apartments, houses, trailer spaces, or other lodging spaces rented, leased or licensed or available for rent, lease, or license within the State and no units of commercial property for rent, lease, or license within the State, is not deemed to be in the rental business, and is therefore exempt from the tax imposed by this Section on such income. However, a person who has one (1) or more units of commercial property is subject to the tax imposed by this Section on rental, lease and license income from all such lodging spaces and commercial units of real estate even though said person may have fewer than three (3) lodging spaces.
- (g) (Reserved)
- (h) (Reserved)
- (i) (Reserved)
- (j) Exempt from the tax imposed by this Section is gross income derived from the activities taxable under Section 8-444 of this code.

- (k) (Reserved)
- (l) (Reserved)
- (m) (Reserved)
- (n) Notwithstanding the provisions of Section 8-200(b), the fair market value of one (1) apartment, in an apartment complex provided rent free to an employee of the apartment complex is not subject to the tax imposed by this Section. For an apartment complex with more than fifty (50) units, an additional apartment provided rent free to an employee for every additional fifty (50) units is not subject to the tax imposed by this Section.
- (o) Income derived from incarcerating or detaining prisoners who are under the jurisdiction of the United States, this State or any other state or a political subdivision of this State or of any other state in a privately operated prison, jail or detention facility is exempt from the tax imposed by this Section.
- (p) Charges by any hospital, any licensed nursing care institution, or any kidney dialysis facility to patients of such facilities for the use of rooms or other real property during the course of their treatment by such facilities are exempt.
- (q) Charges to patients receiving "personal care" or "directed care", by any licensed assisted living facility, licensed assisted living center or licensed assisted living home as defined and licensed pursuant to Chapter 4 Title 36 Arizona Revised Statutes and Title 9 of the Arizona Administrative Code are exempt.
- (r) INCOME RECEIVED FROM THE RENTAL OF ANY "LOW-INCOME UNIT" AS ESTABLISHED UNDER SECTION 42 OF THE INTERNAL REVENUE CODE, INCLUDING THE LOW-INCOME HOUSING CREDIT PROVIDED BY IRC SECTION 42, TO THE EXTENT THAT THE COLLECTION OF TAX ON RENTAL INCOME CAUSES THE "GROSS RENT" DEFINED BY IRC SECTION 42 TO EXCEED THE INCOME LIMITATION FOR THE LOW-INCOME UNIT IS EXEMPT. THIS EXEMPTION ALSO APPLIES TO INCOME RECEIVED FROM THE RENTAL OF INDIVIDUAL RENTAL UNITS SUBJECT TO STATUTORY OR REGULATORY "LOW-INCOME UNIT" RENT RESTRICTIONS SIMILAR TO IRC SECTION 42 TO THE EXTENT THAT THE COLLECTION OF TAX FROM THE TENANT CAUSES THE RENTAL RECEIPTS TO EXCEED A RENT RESTRICTION FOR THE LOWINCOME UNIT. THIS SUBSECTION ALSO APPLIES TO RENT RECEIVED BY A PERSON OTHER THAN THE OWNER OR LESSOR OF THE LOW-INCOME UNIT, INCLUDING A BROKER. THIS SUBSECTION DOES NOT APPLY UNLESS A TAXPAYER MAINTAINS THE DOCUMENTATION TO SUPPORT THE QUALIFICATION OF A UNIT AS A LOW-INCOME UNIT, THE "GROSS RENT" LIMITATION FOR THE UNIT AND THE RENT RECEIVED FROM THAT UNIT.

Section 2. Section 8-542 of the Tax Code of the Town of Camp Verde is amended to read:

Section 8-542. Prospective application of new law or interpretation or application of law.

- (a) Unless expressly authorized by law, the Tax Collector shall not apply any newly enacted legislation retroactively or in a manner that will penalize a taxpayer for complying with prior law.
- (b) If the Tax Collector adopts a new interpretation or application of any provision of this Chapter or determines that any provision applies to a new or additional category or type of business and the change in interpretation or application is not due to a change in the law:
 - (1) The change in interpretation or application applies prospectively only unless it is favorable to taxpayers.
 - (2) The Tax Collector shall not assess any tax, penalty or interest retroactively based on the change in interpretation or application.

- (c) For purposes of subsection (b), "new interpretation or application" includes policies and procedures which differ from established interpretations of this Chapter.
- (d) ~~Tax liabilities, penalties and interest paid before a new interpretation or application of a provision of this Chapter shall not be refunded unless the taxpayer requesting the refund provides evidence satisfactory to the Tax Collector that all such amounts will be refunded to the person who paid an added charge to cover the tax.~~ (RESERVED)

Section 3. Section 8-560 of the Tax Code of the Town of Camp Verde is amended to read:

Sec. 8-560. Erroneous payment of tax; credits and refunds; limitations.

- (a) Except as provided in Section 8-565, the period within which a claim, MEETING THE REQUIREMENTS OF SUBSECTION (c) OF THIS SECTION, for credit may be filed, or refund allowed or made if no claim is filed, shall be as provided in A.R.S. Sections 42-1106 and 42-1118. FOR PURPOSES OF THIS SECTION, "CLAIMANT" MEANS A TAXPAYER THAT HAS PAID A TAX IMPOSED UNDER THIS ARTICLE AND HAS SUBMITTED A CREDIT OR REFUND CLAIM UNDER THIS SECTION. EXCEPT WHERE THE TAXPAYER HAS GRANTED A CUSTOMER A POWER OF ATTORNEY TO PURSUE A CREDIT OR REFUND CLAIM ON THE TAXPAYER'S BEHALF, CLAIMANT DOES NOT INCLUDE ANY CUSTOMER OF SUCH TAXPAYER, WHETHER OR NOT THE CLAIMANT COLLECTED THE TAX FROM CUSTOMERS BY SEPARATELY STATED ITEMIZATION.
- (b) (Reserved)
- (c) ~~(Reserved)~~ A CREDIT OR REFUND CLAIM SUBMITTED BY A CLAIMANT FOR CREDIT OR REFUND OF ANY TAXES, PENALTIES, OR INTEREST PAID MUST BE IN WRITING AND:
 - (1) IDENTIFY THE NAME, ADDRESS AND CITY TAX IDENTIFICATION NUMBER OF THE TAXPAYER; AND
 - (2) IDENTIFY THE DOLLAR AMOUNT OF THE CREDIT OR REFUND REQUESTED; AND
 - (3) IDENTIFY THE SPECIFIC TAX PERIOD INVOLVED; AND
 - (4) IDENTIFY THE SPECIFIC GROUNDS UPON WHICH THE CLAIM IS BASED.
- (d) ~~Interest shall be allowed at the rate set forth in Section 8-540(a) on any credit or refund authorized pursuant to the provisions of this Chapter. Interest shall be calculated from the time of the claim made to the Town by the taxpayer. Interest shall be allowed at the rate set forth in Section 8-540(a) on any credit or refund authorized pursuant to the provisions of this Chapter. Interest shall be calculated from the time of the claim made to the Town by the taxpayer.~~ (RESERVED)
- (e) (Reserved)
- (f) ~~The denial of a refund by the Tax Collector is subject to the provisions of A.R.S. Section 42-1119.~~ INTEREST SHALL BE ALLOWED ON THE OVERPAYMENT OF TAX FOR ANY CREDIT OR REFUND AUTHORIZED PURSUANT TO THIS SECTION AT THE RATE AND IN THE MANNER SET FORTH IN SECTION 8-540(a). INTEREST SHALL BE CALCULATED FROM THE DATE THE TAX COLLECTOR RECEIVES THE CLAIMANT'S WRITTEN CLAIM MEETING THE REQUIREMENTS OF SUBSECTION (c) OF THIS SECTION.
- (g) ~~Any refund paid under the provisions of this Section shall be paid from the Privilege Tax revenue accounts.~~ THE DENIAL OF A REFUND BY THE TAX COLLECTOR IS SUBJECT TO THE PROVISIONS OF A.R.S. SECTION 42-1119.
- (h) CLAIMANTS SHALL BE SUBJECT TO THE STATE TAXPAYER BILL OF RIGHTS (A.R.S. SECTION 42-2051 ET. SEQ.), EXCEPT THAT REASONABLE FEES AND OTHER COSTS MAY BE AWARDED AND ARE NOT SUBJECT TO THE MONETARY LIMITATIONS OF A.R.S. SECTION 42-2064 IF THE TAX COLLECTOR'S POSITION WAS NOT SUBSTANTIALLY JUSTIFIED OR WAS BROUGHT FOR THE PURPOSE OF HARASSING THE CLAIMANT , FRUSTRATING THE CREDIT OR REFUND PROCESS OR DELAYING THE CREDIT OR REFUND . FOR THE

PURPOSES OF THIS SECTION, "REASONABLE FEES AND OTHER COSTS" MEANS FEES AND OTHER COSTS THAT ARE BASED ON PREVAILING MARKET RATES FOR THE KIND AND QUALITY OF THE FURNISHED SERVICES, NOT TO EXCEED THE AMOUNTS ACTUALLY PAID FOR EXPERT WITNESSES, THE COST OF ANY STUDY, ANALYSIS, REPORT, TEST, PROJECT OR COMPUTER PROGRAM THAT IS FOUND TO BE NECESSARY TO PREPARE THE CLAIMANT'S CASE AND NECESSARY FEES FOR ATTORNEYS OR OTHER REPRESENTATIVES.

- (i) (RESERVED)
- (j) ANY REFUND PAID UNDER THE PROVISIONS OF THIS SECTION SHALL BE PAID FROM THE PRIVILEGE TAX REVENUE ACCOUNTS.

Section 4. Regulation 8-250.1 of the Tax Code of the Town of Camp Verde is amended to read:

Reg. 8-250.1. Excess tax collected.

If a taxpayer collects taxes in excess of the combined tax RATE from any customer in any transaction, all such excess tax shall be paid to the taxing jurisdictions in proportion to their effective rates. The right of the taxpayer to charge his customer for his own liability for tax does not allow the taxpayer to enrich himself at the cost of his customers. TAX PAID ON AN ACTIVITY THAT IS NOT SUBJECT TO TAX OR THAT QUALIFIES FOR AN EXEMPTION, DEDUCTION, EXCLUSION OR CREDIT IS NOT EXCESS TAX COLLECTED.

#15

**TOWN OF CAMP VERDE
Council Agenda Action Form**

Meeting Date: February 18, 2009 3-4-09

Meeting Type:

Type of Presentation: Verbal

REFERENCE DOCUMENT:

N/A

AGENDA TITLE: (Be Exact):

Discussion, consideration and possible direction to staff to prepare an ordinance for Council consideration at the earliest possible date that adopts Robert's Rules of Order, as modified to fit the Town's needs.

PURPOSE AND BACKGROUND INFORMATION:

I have received a number of concerns from different sources regarding the conduct of meetings. After research, it is apparent that the Town has no formal rules or guidelines established to ensure that everyone's needs and concerns are addressed.

STAFF RECOMMENDATION(S): (Suggested Motion)

Move to direct staff to prepare an ordinance adopting a modified version of Robert's Rules of Order that will be based on the Town's needs and that will apply to Council and all committees, boards, and commissions.

Type of Document Needing Approval:

Comments:

Fund:

Line Item:

Town Attorney Reviewed Yes No N/A

Comments from Attorney:

Submitting Department: Manager

Contact Person: Michael Scannell

Town Manager/Designee:

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